# *Public Administration Review*

THE JOURNAL OF THE AMERICAN SOCIETY FOR PUBLIC ADMINISTRATION

Volume VI AUTUMN · 1946 Number 4



Published quarterly, in February, May, August, and November, by the American Society for Public Administration, 1313 East 60th Street, Chicago 37, Illinois. Entered as second class matter April 17, 1944, at the post office at Chicago, Illinois, under the Act of March 3, 1879.

The contents of *Public Administration Review* are indexed in Public Affairs Information Service, International Index to Periodicals, and Index to Legal Periodicals.

Subscriptions: $5 a year. Single copies $1.50. No discount to agents.

Annual membership dues: sustaining members $10 or more; members $5; junior members (those 28 years of age or less) $3. Of the amount paid for membership dues, $2.50 is allocated to the subscription to *Public Administration Review*. Address: American Society for Public Administration, 1313 East 60th Street, Chicago 37, Illinois.

# *IN THIS NUMBER*

ELIAS HUZAR has been a member of the Department of Government at Cornell University since he received a Ph.D. in politics at Princeton in 1938. From May, 1943, to October, 1945, he was with the Bureau of the Budget in Washington as an administrative analyst concerned chiefly with problems of defense organization. He is working now on a volume dealing with Congress and the Army, a study in legislative-administrative and civil-military relations, problems on which he has published several articles.

FELIX INFAUSTO has been associated with the New York State Department of Social Welfare since July, 1943, when he was appointed assistant attorney-general assigned to the department. In November, 1945, he was appointed counsel to the department and secretary of the Board of Social Welfare. He was responsible for incorporating the recommendations and proposals of the Special Committee on Social Welfare and Relief of the Joint Legislative Committee on Interstate Cooperation into the bill which was enacted as a revision of the New York Social Welfare Law.

BYRON T. HIPPLE, JR., is assistant to the Commissioner of Social Welfare for New York State. A graduate of the Maxwell School of Citizenship and Public Affairs, he was formerly associated with the Federal Public Housing Authority, the Social Security Board, and the Pennsylvania Department of Public Assistance as a county welfare director. Earlier he served as a staff member of the Committee on Public Administration of the Social Science Research Council and on the staff of the Governor's Commission on Unemployment Relief (New York State).

G. LOWELL FIELD was Cutting Travelling Fellow of Columbia University in 1934-35, taught in the Government Department of Columbia College, 1935-38; and has been a member of the Government Department of the University of Texas since 1938. He is the author of *The Syndical and Corporative Institutions of Italian Fascism*. He has a B.A. from Wesleyan University and a Ph.D. from Columbia University.

C. DWIGHT WALDO was instructor in government, Yale University, 1939-42; held various positions with the Office of Price Administration, 1942-44; and was administrative analyst, U. S. Bureau of the Budget, 1944-46. He is currently assistant professor of political science, University of California. He has an M.A. from the University of Nebraska and a Ph.D. from Yale University.

WILLIAM PINCUS is administrative analyst, division of administrative management, U. S. Bureau of the Budget. He was formerly with the War Department and Bethlehem Steel Company, shipbuilding division. He did his undergraduate work at Brooklyn College and has done graduate work at Columbia and American universities.

ROBERT L. HUBBELL was an assistant to the Executive Secretary of the War Production Board and secretary of the labor requirements and transportation committees of WPB before joining the Navy at the end of 1942. After discharge, he rejoined the office as an analyst in the policy analysis and records branch of what had by then become the Civilian Production Administration. He is now in one of the staff agencies attached to General MacArthur's headquarters. He has a

B.A. from Hiram College and was a pre-service fellow at the University of Minnesota and an intern with the National Institute of Public Affairs.

F. G. LEE is a graduate of Cambridge. He entered the British civil service shortly after graduation, serving in the Colonial Office in London, British East Africa, and the Middle East. In 1939 he transferred to Treasury, where he became an Acting Under Secretary. In 1944 he came to Washington as Assistant Head of the United Kingdom Treasury Delegation. He is now with the Ministry of Supply in London.

ROGER STEVENS is a graduate of Queens College, Oxford. He entered the general consular service of Great Britain shortly after graduation and served at Buenos Aires, New York, Antwerp, and Valencia, and in the Foreign Office in London. In 1942 he became British consul at Denver. In 1944 he came to Washington to become secretary of the British Civil Secretariat, which was concerned during the War with coordinating the activities of the British and Dominion civil missions in Washington. Among these were the British Supply Mission, the Food Mission, the Merchant Shipping Mission, the Raw Materials Mission, the Admiralty Delegation, and the Air Commission. Mr. Stevens is now with the British Foreign Office in London.

O. GLENN STAHL has been in personnel work since 1935, first with the Tennessee Valley Authority, and since 1941 with the Federal Security Agency, where he is currently deputy director of personnel. He is the editor of *Personnel Administration*. He has a B.A. from Evansville College, an M.A. from the University of Wisconsin, and a Ph.D. from New York University.

LEONARD W. HOELSCHER is at present chief of the management improvement branch of the U. S. Bureau of the Budget. From October, 1941, to September, 1944, he headed a group of Bureau staff members who advised on organization of the Army Air Forces. He helped develop the management planning staff of that organization and designed and promoted its program planning system. The staff also provided assistance on special administrative problems at the General Staff level. In the spring of 1945, Mr. Hoelscher and two other Bureau staff members assisted General Nelson in the development of certain administrative systems in the Mediterranean Theater.

CHARLES MCKINLEY has been a member of the faculty of Reed College since 1918. He served as consultant to the Pacific Northwest Regional Planning Commission, 1935-43; as a member of the staff of the President's Committee on Administrative Management, 1936; on the research staff of the Committee on Public Administration of the Social Science Research Council, 1935-37; and as executive secretary of the administrative council of the U. S. Department of Agriculture, 1940-42. He is a member of the regional advisory council of the Bonneville Power Administration and of the Portland City Planning Commission.

---

# Notes on the Unification Controversy

By ELIAS HUZAR

*Associate Professor of Government*
*Cornell University*

A MAJOR piece of unfinished administrative business which the Eightieth Congress will inherit from its predecessor when it convenes in January is the unresolved issue, whether to consolidate the War and Navy departments. How did this problem develop? What do pending unification plans propose? What influences attitudes toward these plans? Why is unification advocated and opposed? How would it be effected? What would it do to civilian control? The notes which follow attempt to answer these and some related questions about one of the most bitter interagency disputes that Washington has witnessed in recent years.[1]

## *Unification in the Seventy-ninth Congress*

PROPOSALS for unification have been advanced for the past twenty-five years; but, for convenience, the current controversy over consolidation may be dated from April 11, 1945, when, by majority vote, a special committee of the Joint Chiefs of Staff recommended "a single department system of organization of the armed forces."[2] Although this recommendation was not adopted by the Joint Chiefs of Staff, it became the basis of the plan advocated lately by the War Department, which, seconded strongly by its semiautonomous Air Forces, has gone all out for consolidation, while the Navy Department, with equal vigor, has opposed the proposal.

Bills to legislate unification were introduced in both Houses during the Seventy-ninth Congress, but action on them occurred only in the Senate, where the Committee on Military Affairs held hearings during the last three months of 1945 on measures introduced by three of its members, Senators Hill, Johnson, and Kilgore. On December 19, 1945, President Truman sent a special message to the Congress endorsing a single department of defense with three coordinate branches. The committee thereupon undertook to rewrite the pending bills in the light of his recommendations and its own hearings. The revision, introduced on April 9, 1946, by Senators Thomas, Hill, and Austin as S. 2044, was reported favorably on May 13 by a vote of 13 to 2. The measure then was taken up by the Senate Committee on Naval Affairs, at whose hearings the Navy continued to oppose unification.

On May 13 the President, who in April had denounced Navy "lobbying" against consolidation (while Senators were criticizing Army propaganda for unification), attempted to obtain agreement between the armed services. He instructed the Secretaries of War and Navy to iron out their differences by the end of the month. On

[1] The principal sources for this article are: *Department of Armed Forces, Department of Military Security*, Hearings before the Committee on Military Affairs, United States Senate, 79th Cong., on S. 84 and S. 1482 (1945); text of the Thomas-Hill-Austin unification bill, S. 2044, 79th Cong. (1946); "Department of Common Defense," S. Report No. 1328, to accompany S. 2044, 79th Cong. (1946); *Unification of the War and Navy Departments and Postwar Organization for National Security* (the Eberstadt report to Navy Secretary Forrestal), Senate Committee on Naval Affairs, 79th Cong. (1945); *The Navy Plan for National Security* (1945); volumes 91 and 92 (1945-46) of the *Congressional Record*, daily edition, especially pp. 12,573-7 of the issue for December 19, 1945, and pp. 7,570-3 of the issue for June 25, 1945; and the *New York Times* for 1945-46.

[2] The Report of the Joint Chiefs of Staff Special Committee for Reorganization of National Defense is printed at pp. 411-439 of the Senate Military Affairs Committee hearings, *op. cit.*

May 15, however, Chairmen Walsh and Vinson of the Committees on Naval Affairs sent the Secretary of the Navy a somewhat embarrassing joint letter which summarized their objections to S. 2044, predicted that Congress would not approve a single defense department, and declared that

> Any compromise which results from a conference by the War and Navy Departments which does not embody most of the views of those Members of Congress who have made a study of the importance of sea-air power in our national defense structure, and which in general does not conform with the views expressed in this letter would not, in our opinion, be in the best interests of the United States.[1]

On May 31, the Secretaries reported to the President "a considerable area of agreement," specifically, on a council for common defense, a national security resources board, a joint chiefs of staff, no single chief of staff, a central intelligence agency, and agencies to coordinate procurement and supply, research agencies, and military education and training. They had been unable, however, to agree on four other basic issues. The President accepted the eight points of agreement and "decided" the four in disagreement. He adopted the Navy Secretary's position on the role of the Marine Corps and the War Secretary's views on the status of naval air power, the establishment of three coordinate branches, and the establishment of a single military department. On June 15, Mr. Truman transmitted these agreements and decisions to Chairman Thomas of the Senate Military Affairs Committee, which proceeded to revise S. 2044. The Chief Executive also wrote to the two defense secretaries: "I know that I can count upon all of you for full assistance in obtaining passage in the Congress of a bill containing the 12 basic elements set forth above." Secretary Patterson pledged the War Department's support, and Secretary Forrestal expressed the Navy's cooperation in achieving the President's objectives. These provisions, however, were not enacted into law. As a result of a very crowded Senate calendar, continued opposition from naval circles and their legislative supporters, and the President's decision not to press for action on consolidation in 1946, S. 2044 failed to reach the floor for debate or vote before the Seventy-ninth Congress adjourned *sine die* last August.

[1] "Text of Joint Letter Re Unification of War and Navy Departments," to Secretary Forrestal from Senator Walsh and Representative Vinson, Senate Naval Affairs Committee Print, 79th Cong. (1946), p. 5.

### *The Thomas-Hill-Austin Unification Bill*

*Defense Consolidation.* Although President Truman did not specifically endorse the bill and in some ways it differs from the not entirely consistent earlier War Department proposals, the Thomas-Hill-Austin bill, S. 2044, was discussed with him before its introduction and it follows closely the President's message on unification. As reported by the Senate Committee on Military Affairs it provided, in summary, that the War and Navy departments should be replaced by a single Department of Common Defense within which the Army, the Navy, and the Air Force would be three separate and coordinate arms. The department would be headed by a single Secretary, under whom there would be an under secretary, one secretary for each of the three armed services, and four assistant secretaries with department-wide functional assignments. There would be a chief of staff of common defense to act as military adviser to the President and the Secretary. The Army, Navy, and Air Force each would have a top military officer who, subject to direction of the President or of the Secretary under the President's direction, would exercise command and carry out orders and directions transmitted to him. The chief of staff of common defense and the commanding officers of the three components collectively would constitute a Joint Staff of the Armed Forces.

Thus, although the defense departments

were to be consolidated, the armed services were not to be merged into a single force in common uniform but were to be retained with substantial autonomy. However, the failure of S. 2044 to define that autonomy or to guarantee the roles of the Marine Corps and of naval aviation aroused anxieties in the Navy, which feared inroads by the Army Ground Forces on its Marines and by the Army Air Forces on its air arm. President Truman undertook to settle these jurisdictional controversies. He agreed with his Secretary of the Navy that, instead of being confined to seizure of enemy positions not involving sustained land fighting, as the War Secretary urged, the Marine Corps' mission should include not only seizure or defense of advanced naval bases but also the conduct of such limited land operations as are essential to the prosecution of a naval campaign. On the role of naval aviation, however, the Chief Executive sided with his Secretary of War by assigning to the Air Forces land planes for naval reconnaissance, anti-submarine warfare, and protection of shipping, for effectiveness in which the Navy Secretary had argued that naval personnel trained in naval warfare were necessary. To the Navy were to be left ship, carrier, and water-based aircraft essential to naval operations, aircraft of the Marine Corps, and land-type planes for other limited purposes.

*Security Coordination.* In addition to its provisions for consolidation of the War and Navy departments, S. 2044 contained several sections to relate the defense establishments to other agencies concerned with the national security. These provisions appear to be based on "The Navy Plan for National Security" which the department had offered as an alternative to consolidation. Actually, a large part of the Navy scheme was concerned with problems that would exist whether national defense were administered through one department or two or three. The Senate Committee on Military Affairs, therefore, had little difficulty in adapting and incorporating into its unification bill most of the major Navy proposals for government-wide security organization.

For closer integration of military, foreign, and related policies, S. 2044 would have set up a Council of Common Defense, which was to consist of the chairman of the National Security Resources Board and the Secretaries of State and Common Defense, to whom the President later proposed to add the secretaries of the three armed services. It was to have a staff headed by an executive secretary to be paid $12,000 a year. The council's chief functions would be to "assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interests of our common defense"; and to bring government agencies into common action in matters of defense by directing and supervising those agencies under its supervision or control, and by recommending action to others, appealing to the President, if necessary, for appropriate action by them.

For better integration of military and economic policies, S. 2044 would have established a National Security Resources Board to consist of a chairman, who was to receive $12,000 per annum, and heads of other agencies designated by the President, and was to have a staff headed by an executive secretary to be paid $10,000 a year. Under supervision and direction of the Council of Common Defense, the chairman would collect data about, and formulate and revise policies and programs for use of, the country's manpower and material resources in support of the national security with minimum disruption of the civilian economy. The executive secretary of this board, like that of the council, was to prepare the agenda for his agency, provide data essential for its deliberations, and distribute its conclusions to the agencies concerned for their information and action.

In the Council of Common Defense, and

under its supervision and direction, the bill would have established a Central Intelligence Agency headed by a director compensated at $12,000 per annum and staffed by military and civilian personnel assigned by government agencies. The agency was to plan coordination of national security intelligence activities of government agencies and to recommend over-all policies and objectives to the council; to correlate and evaluate intelligence relating to national security and to provide for dissemination of the resulting strategic and national policy intelligence within the government; to perform certain national security intelligence services of common concern; and to discharge other functions directed by the President or the council. Except as these provisions related to them, the "responsibility and authority of the departments and other agencies of the Government to collect, evaluate, correlate, and disseminate intelligence" were not to be affected; but the agency was authorized to use their facilities and services and to conduct projects through them or in cooperation with them.

The need for these three agencies was recognized in the eight points of agreement between the service secretaries adopted by the President in June, 1946. In addition, they recommended a central research agency. No provision was made in S. 2044 for such a body since it was covered by a separate bill to establish a National Science Foundation, which passed the Senate but did not get out of House committee at the last session of Congress.

Consensus following the somewhat irrelevant criticisms that the coverage of earlier consolidation bills was too narrow and the still fresh experience in improvising governmental machinery for fighting a modern war provide reasonable assurance that the four agencies mentioned above will be set up in some form. Pieces of the proposed pattern—such as the State-War-Navy Coordinating Committee and a National Intelligence Authority, both presidential creations—exist now; but further legislative and executive action is needed to round them out and to put them on a firm basis. In that process, it may not be too much to hope that there will be more thorough examination of administrative provisions for these organizations. Establishment of the four agencies would fill serious gaps in the nation's security structure. By improving the quality and the correlation of estimates of technological trends in weapons, political prospects of hostilities, and industrial mobilization required to wage war, they would make possible better decisions in military strategy, programs, and budgets. However, although these agencies are indispensable to a well-rounded national security organization, they are not strictly pertinent to the narrower, but separable and important, issue of a single defense department, to which the rest of this article will be devoted.

### *Bases of the Consolidation Controversy*

THE controversy over consolidation may be related largely in terms of disagreement between the War and Navy departments, whose contradictory positions reflect, among other things, differences in their internal organization, in their estimates of the future of the armed services, and in their appraisals of military administration in the late war.

*Departmental Organization.* Of least importance, but influential in coloring thinking, are the present departmental organizations. In the War Department, the Secretary runs both the field forces and the Washington establishment through a chief of staff. Although many difficulties attended adoption and application of this system, the basic battle over it was fought forty years ago, and its validity now is accepted in the department. In the Navy Department, the Secretary does not have a single professional officer through whom he manages the whole naval establishment. The chief of naval operations runs the Fleet, but he has only

limited authority over the bureaus in Washington, control over which is divided between his office and that of the Secretary. The concepts inherent in these contrasting organizations have been reflected in, and are analogous to, Army-sponsored command and Navy-supported coordination as methods of integrating the defense establishments.

*Armed Services' Interests.* Much more important influences on attitudes toward unification are estimates of its effects on the three armed services. Until a very few years ago, War Department leaders had joined those of the Navy Department repeatedly to denounce proposals for consolidation. Now, the former feel they have nothing to lose, and, perhaps, something to gain, from a single defense agency, while the latter continue to entertain the gravest apprehensions about it.

Former Assistant Secretary of War McCloy observed that the Army Ground Forces is the group which ought to be concerned most about consolidation since they would be "sandwiched in between these two high-powered propagandists," the Navy and the Air Forces; but he added that he had found no opposition to unification among higher commanders of the AGF. In the Navy, which is not disposed to attribute altruism to the Army, however, there is a tendency to believe that the War Department has designs on the Marine Corps, of whose role in amphibious operations the AGF is suspected to be jealous.

The Army Air Forces has been concerned chiefly with "coequality" for strategic air power. Influenced, possibly, by the fact that they are, and may have to remain, in the War Department, its leaders say they prefer to exercise this coordinate autonomy within a single agency. However, if that is not possible, there may well be a revival of the agitation of the inter-war period for a separate department for air—a step that would increase the difficulties of developing balanced programs and consistent policies for the defense establishments. The Navy takes the position that the Army's strategic air forces are entitled to autonomy but that it is for Congress to determine how it should be supplied. A two-department organization has the attraction that it would make easier justification of two Navy representatives to work in combined councils with two Army men, one representing the Air Forces. However, if it were faced with the alternatives of three departments or one, the Navy would prefer the multiple arrangement since that would allow it to retain its departmental status.

Navy spokesmen have been quite frank in basing their opposition to unification on fear for the future of the Fleet, particularly of its air arm. Just as the Air Forces argues for equality in order "to obtain proper development of air power," so the Navy advocates separation in order to "maintain our power at sea unimpaired." Admiral King, former chief of naval operations, has declared that, "if the Navy's welfare is one of the prerequisites to the Nation's welfare—and I sincerely believe that to be the case—any step that is not good for the Navy is not good for the Nation." The Navy is convinced that "we must, in the future, develop to the fullest extent the capacity of each branch of our military services because we must be adequately prepared to fight a war of whatever character the future may bring." By this test, Navy leaders find consolidation to be highly dangerous.

Specifically, they fear that a single, transient secretary would be dominated by "enthusiasts" without an over-all, balanced military point of view; that a chief of staff to the Secretary who came from a component other than the Navy would have service loyalties that would render him incapable of adequate appreciation of naval needs; and, finally, that in the Joint Chiefs of Staff organization other members dominated by "land considerations" would outvote the Navy representatives. They read from military history, especially that of Great Britain,

Germany, and Japan, lessons of inevitable destruction to naval forces in nations which have allowed land officers to control their entire defense programs. The Navy regards as inadequate protection for its, and the country's, sea power requirements the provisions of S. 2044 for rotation among the three services of the chief of staff of common defense; for limitation of the powers of the Joint Staff to recommendations, with provision for presentation of minority views to the President; and for assignment of a secretary to each of the armed services. It does not derive much comfort from assurances that the Navy need not be afraid of a single department since "scope of responsibility determines scope of vision." It has been impressed much more by what it sees as expansive tendencies in the other services. It is disturbed particularly by the self-assured and somewhat aggressive assertions of Air Forces leaders, one of whom has announced that "the battleship is obsolete. . . . The carrier . . . is going into obsolescence," a statement as offensive to the Navy as some seamen's remarks have been to airmen.

*Administrative Criteria.* The reasoning of the Navy, like that of the other services, is understandable; and, granted its major premise that the principal consideration in national security must be to maintain or to enhance sea power, a good case can be made for its conclusions about defense organization. However, a different approach is indicated if the question of whether to consolidate the War and Navy departments is to be answered not on the basis of the effects of unification on the Navy, or the Army, or the Air Forces, but on the basis of its contributions to (a) effective discharge by Congress and the President of their legislative and managerial responsibilities for the common defense, (b) development of consistent policies by the component services, and (c) minimization of the costs of the defense establishments. What is to be said for and against unification if these criteria are used?

*Program and Policy Formulation*

PRESENT organization for national defense is deficient in developing integrated strategic plans, military programs, and budgets and in producing consistent policies and common operational doctrine for the armed forces. Its deficiencies result not entirely, but in substantial degree, from weaknesses in executive and legislative organization with respect not only to the relationship of the military and naval establishments to each other but also to the relationship of both to other agencies (some still to be set up) concerned with national security.

What is the present practice? Ultimate decisions on military programs (and policies) are made by the Congress and the President; but the initiative, and the recommendations on which they act, come from the military services. The Army and the Navy are organized under separate departments which prepare and present separate requests for authorizations and appropriations that go to separate committees in Congress at different times. These programs are departmental rather than national, and there is no assurance that they will be based on the same assumptions. True, the President, the Bureau of the Budget, and, recently, on some matters, the Joint Chiefs of Staff, review the departmental proposals, but at too late a stage in their development for effective integration of the separate pieces with which they are presented. Moreover, apart from the Joint Chiefs of Staff, the reviewing agencies do not have the professional competence needed for intelligent and coherent program making. Too much weight should not be attached to the Budget Bureau's role in integration of military programming. That agency's staff influence military programs, for the most part, only indirectly, by examining money and manpower estimates. They can review assumptions and their conversion into programs and budgets, but they cannot supply the assumptions without doing the military's job

for them—a task for which they are not equipped in military intelligence, scientific information, or foreign policy data.

The nation, however, is undergoing a transition in which a well-integrated defense program is vital to its security. Its international relations reflect the uncertainty of world peace; atomic energy and other advances in science are sure to have far-reaching effects on traditional weapons; and typical postwar retrenchments in defense expenditures again make necessary hard choices among competing military programs. There is also considerable feeling that the United States won the last war in spite of the shortcomings of its security measures, not because of their virtues; and there are fears that, if there should be another war, it will be initiated by a sudden and direct attack on the United States itself. In these difficult circumstances, how can the military organization be improved to develop more effective and economical defense programs?

*Congressional Committee Consolidation.* Under the Legislative Reorganization Act of 1946, Congress has put its own house in order for dealing with defense problems. In each chamber there now will be not only the single Committee on Appropriations that has existed for twenty-five years but also only one committee on armed services; and both committees are authorized to equip themselves more adequately with expert staff than they have in the past. Some regret has been expressed in the services, especially in the Navy, over the loss of "intimate knowledge," "close attention," and, by implication, sympathetic treatment, which they were able to get from separate legislative committees and which they are afraid now may be more difficult to obtain. With appropriate organization and staffing, however, the new committees could continue specialization through subcommittees for each of the services and could secure coordination through the full committees. That is what the Appropriations Committees have attempted to do, though with only partial success. In any case, if Congress goes through with these changes, it should be easier in the future to obtain comprehensive treatment of military programs and to get uniformity, or reasoned differences, in policies for personnel, supply, and other aspects of military administration. (It may be noted that if, as they are expected to do, the Houses continue to elect committee chairmen on the basis of seniority in service, and if the present chairmen of the Committees on Naval Affairs, who have opposed unification, are re-elected to Democratically controlled Houses, they will become the heads of the new committees on armed services.)

By these changes in committee organization and staffing Congress has arranged to equip itself to consider a comprehensive and balanced defense program better than the executive branch is prepared to develop such a program, and it has recognized the essential unity of defense problems. But legislative reorganization by itself is not a remedy for the senatorial complaint that "nobody on the Hill has an over-all picture under the present system." There is no assurance in these changes alone that things military will not continue to be "confusing to Congress and . . . country." Is the consolidation logic of legislative reorganization applicable, also, to administrative organization? The President, the War Department, and their supporters in Congress think that it is. The Navy Department and its legislative adherents argue that it is not.

*Defense Department Unification.* Proponents and opponents of unification agree that the national security requires closer integration of programs and policies of the Army, the Navy, and the Air Forces than has prevailed in the past; but they are at odds over the methods by which that integration is to be achieved. In the field, both sides say there should be unity of command. In Washington, however, one group contends that there should be consolidation of

the War and Navy departments under a single Secretary with authority to decide most inter-service differences; the other group argues that separate departments should be continued with coordination chiefly through a network of committees. Choice between these alternatives is a matter of judgment which depends largely on an analysis and appraisal of relevant experience, particularly of the Joint Chiefs of Staff. No full record of that agency's work is available, so it is necessary to look to the testimony of those who are familiar with it.

Navy spokesmen argue that the Joint Chiefs of Staff provided the leadership that made possible the winning of the war; that the institution should be maintained to deal with military questions in time of peace; and that its experience should be applied to integrating "those civilian departments concerned with national security in the [same] pattern." The Navy's platform for defense organization may be stated, then, as "coordinate action at home and unified action in the field." Its leaders contend that unity of command in theaters of operation does not require consolidation of the departments in Washington, since the Joint Chiefs of Staff and the Commander in Chief can continue to create such commands in peacetime as they did in war. The Navy believes, also, that in the capital the functions of the wartime Joint Chiefs of Staff, advisory to the President, can be broadened so that they will be sufficient to supply strategy-program-budget integration. It says that "swiftness of decision [is] more necessary in the direct conduct of operations than in the planning at the top" and that "despite occasional delays" the Joint Chiefs of Staff has worked with satisfactory speed. In the Joint Chiefs of Staff the Navy sees the advantage of "combined knowledge," as a result of which "decisions of the whole were better than the proposals of any one member." For example, Secretary Forrestal thought that "the Navy's continuous and implacable insistence that a vigorous offensive against the Japanese could be prosecuted without doing injury to the success of our effort in Europe" had accelerated the Pacific victory many months.

However, since the Joint Staff proposed by the Thomas-Hill-Austin bill also is an institution for mutual education among the armed services, the chief attraction the Navy sees in the Joint Chiefs of Staff probably is its being an organization whose " 'checks and balances' . . . tend to prevent domination by any one person." Although S. 2044 would permit minorities in the advisory Joint Staff and the commanding officers of the three armed services to present their views to the President, the bill has the "fatal defect" of depriving the Navy of separate representation at the Cabinet level. That service therefore prefers to rely on the Joint Chiefs of Staff, in which the danger of "straight-jacketing the Navy into the status of an Army auxiliary" would be avoided. Interdepartmental disagreements, however, still would have to be referred to the Commander in Chief for decision.

The War Department, on the other hand, wants to replace "the unanimous-consent, committee system of the Joint Chiefs . . . at the top by the power of decision of the Secretary advised by the Joint Chiefs of Staff and assisted by a group of staff officers selected from all three components." The argument runs thus. If unity of command is desirable in the field, it is desirable in Washington. If it is good within the War Department, and within the Navy Department—which has sea, air, and land forces—, it is good also for the defense establishment as a whole. Separation at the seat of government fosters separation down the line. The President has said that during the war

> Even in the field our unity of operations was greatly impaired by the differences in training, in doctrine, in communication systems, and in supply and distribution systems, that stemmed from the division of leadership in Washington.[1]

Those who advocate consolidation of the

[1] 91 *Cong. Rec.*, daily ed., p. 12,574, Dec. 19, 1945.

departments urge it as a means to get greater unity of command in the field as well as improvement in integration at Washington. They regard comparison between a single secretary and interdepartmental committees as fallacious. However useful these committees may be for stating issues, they are useless for settling them when the armed services cannot agree. Unless the Joint Chiefs of Staff and similar groups are to resolve interdepartmental differences by voting—an arrangement no one seems to advocate seriously—issues unresolved in committee still will have to go to the President if he does not have a single secretary to whom he can refer them. Resort to a chairman taken from outside the defense departments is not a satisfactory alternative, for, while such organization would recognize the need for a point of decision below the Chief Executive, it would confuse the normal hierarchy of authority. In short, although "coordination by committees is better than no coordination at all . . . in military matters . . ." action by a single authority is advocated as better still.

Spokesmen for the War Department consider the Joint Chiefs of Staff neither a complete success in war nor a desirable model for peace. General Marshall says that, with accumulation of experience and under pressure of the nation's peril, the Joint Chiefs, whose chief business was strategic planning, gradually acquired an "impartial approach." But, even on questions of operations, agreement by mutual consent was achieved only with "much too long a delay in almost every instance." Since the Joint Chiefs of Staff did not decide differences by majority vote, the only recourse in event of agreement to disagree was appeal to the President who, obviously, could not be bothered with every controversy between the services. According to Admiral King, however, "matters of major import that required presentation to the President could be counted on the fingers of one hand. We usually found a solution. Sometimes it was a compromise." In personnel, material, and related matters, which received only limited attention from the Joint Chiefs but will be the principal activities of the defense department(s) in peace years, General Marshall testified that there were "tremendous difficulties, protracted discussions, and in many cases unsatisfactory solutions" as a result of concessions to service loyalties and official courtesies. President Truman told Congress last December that

> There have been differences in personnel policies between the Army and the Navy during the war. They began with competitive recruitment for certain types of persons, and continued in almost every phase of personnel administration. In rates of promotion, in ways of selecting officers, in the utilization of Reserve officers, in awards and decorations, in allowances, and in point systems for discharge the two services have followed different policies.[1]

Former Assistant Secretary of War McCloy has declared that "about one-half of all the energy expended [during the war] was . . . in efforts to seek coordination." In the same vein, General Somervell, wartime head of the Army Service Forces, has said:

> Many types of organizational expedients were adopted to obtain coordination in these fields during the war. . . . All of these agencies were helpful, but desired results were accomplished only through an inordinate amount of effort that would have been unnecessary if these activities of the armed forces had been coordinated on the basis of command rather than through the slow and cumbersome committee action, requiring agreement.[2]

The position of the President and the War Department, then, amounts to about this. If the Joint Chiefs of Staff and other committees could supply only slow and incomplete integration even under the pressure of war, the pattern of organization on which they were based cannot be expected to provide the integration that is desirable in administration, services, and supply—possibly even in operations—in time of peace when the cohesive force of a threat to the

[1] *Ibid.*, p. 12,576.
[2] Senate Military Affairs Committee hearings, *op. cit.*, pp. 631-32.

nation's existence is absent and when the armed services are engaged in a struggle for self-sufficiency with sharply curtailed military appropriations.

That there is need for retightening overhead direction and control is suggested by developments since the end of the war. In the field there has been a disintegration of unity of command (which was not used during the final phases of the Pacific war when three commands reported directly to the Joint Chiefs of Staff). And the Joint Committee on the Investigation of the Pearl Harbor attack felt it necessary last July to recommend "that immediate action be taken to insure that unity of command is imposed at all military and naval outposts." In Washington, also, there are evidences of continued independent action by the armed service departments both in matters of program, such as the size of the postwar military and naval establishments, and in matters of administrative policy, such as personnel legislation.

Debate over such questions no doubt is desirable; and it would be unrealistic—particularly while the rancor of the unification controversy remained—to suppose that with the appointment of a single defense secretary interservice differences would vanish. The advantage that its sponsors see in consolidation, however, is that it would provide at the subpresidential level an agency to resolve issues of importance to the services but not of magnitude sufficient to warrant their reference to the Commander in Chief. Without such an agency, they argue, controversies that are not settled by consensus will throw an undesirable burden on the President or will have to be referred to legislative committees which are entitled to consistent statements of program and policy from the Administration. With such an agency, they contend, many interservice differences would be avoided altogether because programs and policies would be developed from the outset in an organization that would encourage broad perspectives and integrated thinking in terms of the defense establishment as a whole. This is the frame of reference in which should be read Mr. Truman's declaration to Congress that "the President, as Commander in Chief, should not personally have to coordinate the Army and Navy and Air Force. . . . He should be able to rely for that coordination upon civilian hands at the Cabinet level."

The President's position is supported by recent organizational trends in the national government. An obvious way to ease the Chief Executive's present overload is to consolidate the agencies below him, as was done a few years ago by creation of the federal security, works, and loan agencies. Each of these agencies was intended to bring together organizations with the same major function or purpose—however debatable this concept may be and however imperfectly it may have been applied. Now, the military and naval establishments constitute a major area in federal management whose boundaries may be defined with considerable clarity. They have the same basic purpose, the military defense of the United States, as leaders of all three armed services recognize in agreeing that their basic mission is "to discourage or to [repel] aggression." There seems to be agreement, also, that the basic role of the War and Navy departments is "in peacetime to prepare and train combat forces" and "in wartime to support combat forces in the field." Furthermore, in discharging these functions, the departments engage in a wide range of common activities characterized by considerable similarity in problems and in methods for dealing with them. This community of interest was recognized by the defense secretaries in their May-June agreement which called for agencies to secure better coordination of Army and Navy activities in procurement, production, and distribution, in scientific research and development, and in education and training. From the point of view of the President and the over-all management of the federal government, then, it

is not unreasonable to regard the defense departments as a single set of administrative instruments.

### *Economy*

A COMMON contention of the consolidators is that substantial economies would result from unification of the War and Navy departments. Secretary Patterson has made an "educated guess" that "billions of dollars" could have been saved during the war if there had been a single military establishment. And General Eisenhower has made a "flash guess" that "you could develop a more efficient fighting force with unification, with 75 per cent of the men that you would have if you had separate forces." Available data are unsatisfactory, but the record of economies achieved in recent reorganization movements is modest enough to justify some skepticism as to these claims. No doubt, however, there are ample opportunities for closer integration, with undeterminable resultant savings, in supply, service, and administrative activities of the Army and Navy, even apart from the broader question of optimum allocation of limited resources among the armed services.

Attention has been called frequently, for example, to military and naval airfields, hospitals, and other installations that are adjacent but are administered separately. The Navy contends that, at least during the war, these facilities did not constitute "wasteful duplication" but represented "parallel" establishments all of which were required and which together failed to meet all needs. The Army argues that, while this may be substantially true, the separate systems made it impossible to realize economies in overhead, in professional services, in common operations, and so forth.

Again, a great deal is made of the savings in procurement which, it is said, a single department would realize by consolidating overhead organizations, reducing total requirements added for margins of safety, simplifying dealings with suppliers and armed service consumers by standardizing specifications, and so on. The Navy contends that such arrangements would not produce anything like the economies predicted by the unifiers and that the methods mentioned may be used by two departments jointly as well as by a single, combined agency. Its spokesmen deny that there was much competitive bidding during the war. They say that the only way to have achieved substantial savings was to have bought less or to have paid less, but that neither alternative could have reduced expenditures greatly in a total war in which producers of low efficiency had to be used and those who profited excessively were reached by price renegotiation and tax laws. From dispersal of procurement functions within the defense departments, particularly to the Army Air Forces and the Navy material bureaus, they infer that procurement "duplications" are a function chiefly of the size of an organization rather than of its form and that the armed service departments already are obtaining most of the advantages inherent in large volume purchasing. The Army's argument that procurement can be improved is not denied by the Navy; but the former favors coordination by command while the latter leans to coordination by cooperation.

### *Organization of a Department of Common Defense*

WHAT is the organization that S. 2044 would have established for dealing with the problems that have been discussed above? The Thomas-Hill-Austin bill did not attempt to set forth in detail the organization of the Department of Common Defense it would have created. Instead, it established and defined broadly the overhead setup of the department and its three armed services; provided that both might be reorganized, but not abolished, under the Reorganization Act of 1945; and directed the President, through the Secretary,

to make "a full and complete study and investigation" of the new agency with a view to recommending further legislation for improving its organization and functioning.

Some critics of consolidation contend that the bill should contain, or be accompanied by, specifications, since the "details" of the unified structure would have to be worked out later anyway and because, in the words of Admiral King, "I should like to know . . . just where sea power is going to be in this picture and all the other elements." Secretary Forrestal last year asserted that "the subject needs a lot more study" and proposed a "commission of eminent citizens" for that purpose.

Advocates of consolidation are inclined to see in such contentions and proposals tactics of delay and of naval rather than national security, though their timing, too, reflects a desire to capitalize on legislative and public opinion which they think now is favorable to unification. They point to the earlier investigations of consolidation—but do not emphasize the separatist conclusions of most of them—and, with the President, they declare that further studies of the general problem would serve no useful purpose. They urge Congress to discharge its responsibility by applying its judgment to the data already at hand; and they predict that after the "principle" of unification has been legislated, "the details will fall into proper perspective and will be capable of ready settlement in the evolutionary process."

No doubt, this is the only feasible procedure for unification and General Marshall was right in warning Congress that it could not "iron out . . . the various difficulties and complexities" which creation of a new department would involve. However, not all the questions left unsettled by S. 2044 are "details." Psychologically, if not organizationally, some, such as those dealing with the Marine Corps, are of major importance. It would reassure the Navy, and might reduce its resistance, to incorporate into the unification legislation some of the promises that have been given against its "sub-merger." But, even if that is done, a host of administrative questions still will be left unanswered.

This article, however, is concerned not with the realization of unification but with its authorization. What would be accomplished under consolidation legislation would depend on attitudes within the services—especially on the extent to which indoctrination and practice succeeded in developing balanced viewpoints so that officers would use all elements of military force in their most effective combinations—and on the vigor and insight with which professional and political leaders at the top of the single department used their legal authority. It would depend, also, on the organization and procedures employed to weld together two huge establishments with a century and a half of independent development behind them. What central agencies would S. 2044 provide for this purpose?

*Civilian Organization.* The civilian organization proposed by the Thomas-Hill-Austin bill would consist of the Secretary of Common Defense, an under secretary, and seven other secretaries. Of the latter, three would be secretaries charged with the "administration" respectively of the Army, Navy, and Air Force and with other duties assigned by law or the Secretary. Four would be assistant secretaries with department-wide, interservice functional assignments for supervision and coordination of scientific research and development; intelligence activities; procurement of military supplies, logistics, industrial mobilization, and medical care and hospitalization; and educational and training activities. (Since S. 2044 was introduced, the defense secretaries and the President have agreed to omit these four secretaries; but they agreed, also, on the need to deal with the functions listed through central agencies which, in a single department, presumably would be headed by directors.) Neither the hearings nor the

bill's provisions, however, made clear two sets of relationships—first, those of the three service secretaries with the four functional assistant secretaries (or directors) and, second, those of all seven with the officers who would exercise "command" over the three armed services and the Chief of Staff who would have "military" duties. The experience of the War and Navy departments suggests that it will not be easy to establish satisfactory relationships among these departmental officials.

The Thomas-Hill-Austin unification bill contained little about organization of the civilian-military supply and service functions. It would have created an assistant secretary

> To supervise and coordinate activities in the Department of Common Defense with respect to the procurement of military supplies, logistics, industrial mobilization, and medical care and hospitalization; to develop programs designed to promote economy, efficiency, and the elimination of duplication and overlapping in the procurement and distribution of military supplies and in the furnishing of medical care, hospitalization, and other services; to coordinate the programs of the Department with those of the National Security Resources Board and other governmental agencies. . . .[1]

Organization for carrying out these functions was left to the determination of the President, whose decisions would be influenced by the views of the armed services. In the consolidation plan it offered to the Senate Committee on Military Affairs, the War Department suggested that there should be a director of common supply as well as a supply service in each of the armed components. An assistant secretary for procurement would have established policies for all four and would have assigned to them responsibilities for procurement. The director would have been given the task of procuring items "indisputably common to all services," such as food and blankets, and he would have been made responsible for services required in common by the coordinate armed forces.

[1] S. 2044, 79th Cong., Sec. 104(3).

The Navy prefers the present practices of interdepartmental cooperation—which could be used, also, in a single department: coordinated purchasing with representatives of both services working under the same roof, joint purchasing through common agents, and cross purchasing by one service for the other. In addition, it advocates establishment of a joint civilian military munitions board, under the National Security Resources Board, to eliminate duplications in procurement and supply. According to former Assistant Secretary of the Navy Hensel,

> The Munitions Board is to be responsible not only for joint planning and coordination of [procurement] between the services, but also for the definition of the policies and the practices of execution by the services in this field. It is to have charge of making provision for the establishment of standard practices in contracting, designs, specifications, and terminology, together with the power to order unified purchasing where desirable. In procurement and the related logistics field, it would parallel the authority and responsibilities of the Joint Chiefs of Staff in the field of military strategy and operations.[2]

The War Department finds this scheme deficient, even though it provides for final power of decision in the board chairman appointed by the President, because it believes unification throughout the supply and service systems is necessary to make fully effective unity of command in the field. And the President has declared that "a single authority at the top would inevitably achieve a greater degree of economy than would be obtained under divided direction."

*Military Organization.* It is chiefly the provisions of S. 2044 for military organization, however, that have provoked debate. There is consensus that the Joint Chiefs of Staff should be continued in some form, and a case can be made for replacing the oral authority of the President on which the Joint Chiefs of Staff now rests with statutory

[2] Senate Military Affairs Committee hearings, *op. cit.*, p. 489.

status such as the provision of the Thomas-Hill-Austin bill for a Joint Staff of Armed Forces. What would be the role of this body?

During the late war the President dealt directly with the professional military leaders both individually as heads of the armed services and collectively as members of the Joint Chiefs of Staff. The functions of the latter have been described by General J. L. Collins as follows:

> During World War II the Joint Chiefs of Staff recommended to the President the over-all strategy and allocation of forces and supplies for the various theaters. Subject to the approval of the President, the Joint Chiefs of Staff issued broad directives to the theater commanders, and to War and Navy Departments, to implement this program. A member of the Joint Chiefs of Staff was designated to serve as executive for the Joint Chiefs of Staff for each theater. The executives followed through on the requirements and backed up the needs of the respective theater commanders.[1]

In the event of another war, relations of the President, the defense secretary or secretaries, and the top military command would depend, among other things, on the nature and scope of hostilities and on the personalities of the civilian officials. In peacetime, the President presumably could direct the Joint Staff to perform duties other than those assigned to them by law. S. 2044, however, gave them only the limited, though highly important, function of

> at least once in each year, submit[ting] to the President, through the Secretary of Common Defense [with his comments], the recommendations of said body, together with those of any nonconcurring member or members, regarding military policy, strategy, and budgetary requirements of the armed forces, including the composition of the budget.[2]

Under President Truman's proposal of last June, the Joint Staff would have somewhat broader duties:

> To formulate strategic plans, to assign logistic responsibilities to the services in support thereof, to integrate the military programs, to make recommendations for integration of the military budget, and to provide for the strategic direction of the United States military forces.[3]

In addition, S. 2044 provided that each of the three service commanders might present to the President, through, and with the comments of, the Joint Staff and the Secretary, "any report or recommendation" concerning his component. Differences within the armed services, therefore, could be taken up to the President, as they are at present; but he would have what is lacking now—a single subordinate to whom he could turn for advice on resolution of the differences and to whom he could leave decisions in matters of personnel, procurement, and other questions with which he did not want to bother personally.

The most controversial feature of S. 2044, however, was its provision for a Chief of Staff of Common Defense. This officer was to be "the military adviser" of the President and the Secretary and was to execute orders received from them and to perform other military duties assigned by them. His role and his relationships with the other officers were not made very clear by the language of the measure, but War Department testimony supplied some suggestions. He was to be a member of the Joint Staff, but his duties were to have wider range. In the War Department's plan, he would have been concerned with "the establishment of over-all policies on military personnel matters, military intelligence, joint training, and logistics." The bill would have given him rank above all other officers of the armed forces on active duty. Each of the three commanding officers of the service forces was to "exercise command over his component," but he also was charged "with the duty of carrying into execution all lawful orders and directions which may be transmitted to him." Under the War Department's proposal, directives were to issue from the Secretary through his chief of staff

[1] *Ibid.*, p. 159.
[2] S. 2044, 79th Cong., Sec. 106(b).
[3] 92 *Cong. Rec.*, daily ed., p. 7571, June 25, 1946.

rather than from the Joint Chiefs of Staff. The Senate Committee on Military Affairs contemplated that the Chief of Staff would be assisted by a "comparatively small military staff." In the War Department scheme, this group would not become "a large operating staff." Instead, execution of policies and directives would be supervised by the staffs of the Army, Navy, and Air Force components.

Some of the strongest strictures against unification have been directed at the proposal for a Chief of Staff of Common Defense. Navy spokesmen contend that no individual is competent to fill the position; but their chief concern is that the proposed Chief of Staff might not be sufficiently sympathetic to sea power. Verbal assurances of broad-mindedness and statutory provisions for rotation of the position among the services could not budge them from their opposition to creation of an office of a Chief of Staff and their belief that the Joint Chiefs of Staff should be the highest source of military advice. In the end, the Secretary of War and the President recanted their earlier advocacy of a single Chief of Staff and agreed to omit his office from the Administration's unification program. If, as seems probable, this decision included the central staff that would have been attached to the Chief of Staff, this concession went a long way toward eviscerating the projected unified department, especially in view of the limited role intended for the Joint Staff.

To be effective, departmental management in a military establishment requires a body of professional officers who think, as nearly as possible, in terms comprehensive of all the component services, as, for analogy, the General Staff in the War Department and the Office of the Chief of Naval Operations in the Navy Department undertake to do now. Such a staff is essential not only for effective work by a Joint Staff on strategy, programs, and budgets but also for the development of interservice policies in personnel, procurement, and other administrative functions. Without it, there can be no real integration of autonomous services; there cannot be much more than continuation, under a different name, of the separatism that now exists. No doubt, much integration could be achieved even with only a Joint Staff and whatever professional assistance a Secretary recruited for his own office—which, history suggests, is a frail reed; but that would be something less than the unification which the President advocated last winter.

It has been suggested, however, that an organization at the top of a single department of defense strong enough to unify it also would undermine civilian control of the armed forces. This is a real problem in management of the military, to which it may be appropriate to devote the remainder of this account of the consolidation controversy.

### *Civilian Control of the Military*

IN THEIR testimony on the consolidation legislation not only the Secretaries but also the soldiers and sailors subscribed to the supremacy of civilian authority over the military; but from the pending measures witnesses from the Navy drew conclusions that contradicted those of spokesmen from the Army. To some extent, the divergent interpretations reflected the differences of organization and experience in the two departments. In the Navy, control by the chief of naval operations over the department's material bureaus has grown slowly and still is far from complete. Secretaries have insisted on maintaining direct lines of command over the bureaus parallel with those running from the chief of naval operations. It is not surprising, then, that Navy officials should find fault with a unification proposal patterned on the much more concentrated control system of the War Department. In that department, the Secretary deals through the chief of staff with the whole military establishment. Former Assistant Secretary of War McCloy reassured

the Senate Committee on Military Affairs, however, that in his department civilian control was a "vital reality" and had been exercised "very realistically." During the war, he said, it had been most influential where the military impinge on civilians, as in problems of the citizen army; but it had been felt also in the planning of operations at Washington, particularly where statesmanship as well as generalship had been involved. He argued that concentration of military authority and responsibility in a professional chief of staff is the very thing that makes possible effective control by the civilians, since in him they have a responsible source of information and an executive with authority to carry out decisions.

The criticisms that have been advanced against consolidation as curtailing civilian control are not of equal merit. Suggestions that a single chief of staff is "potentially, the 'man on horseback' " and that a departmental general staff approximates a German type of militarism are largely emotional appeals. They neglect to explain how the head of an armed service department is to make his management effective without such professional assistance. The complaint that no civilian is included in the proposed Joint Staff of the Armed Forces is not much different, since S. 2044 would limit that body to recommendations which might be accepted, modified, or rejected by civilians in the executive and legislative branches. Furthermore, under the Patterson-Forrestal agreement approved by the President, the Defense Secretary and the three service secretaries would sit on the Council of Common Defense which would correlate foreign and military policies.

It is said that one transient Secretary never could comprehend or manage an agency of the size of the combined department. Yet, that is what the President is now asked to do in many cases. As things stand, he cannot do that job well; but if the responsibility is viewed looking down from the presidency rather than up from the secretaryships, the establishment of a single defense department would simplify and strengthen management in the federal government. No one, of course, expects the Secretary himself to do more than a small part of the whole task of supplying civilian direction to the armed forces. For that purpose, S. 2044 would provide him with several civilian secretaries, who would have their own staffs, on the size of which the bill imposed no limits. It could happen, but it does not necessarily follow, therefore, that a single Secretary would be "entirely in the hands of the military advisors."

It is contended, also, that unification would mean loss of control by Congress because its committees would be deprived of an "intimate sense of association" with the now separate services and because the Secretary would determine allocation of appropriations among the armed forces. This line of argument overlooks the possibilities of specialization through subcommittees; it discounts excessively the advantage to legislative control that would ensue from submission to Congress of a comprehensive and integrated military program and budget, the preparation of which would be simplified in a single department; and it disregards the always available power of the purse through which Congress may earmark appropriations as much as it pleases.

There is more substance in two other criticisms of at least some of the consolidation proposals. First, it is maintained that to put the civilian secretaries "away up at the top" and to confine them to matters of policy is to construct a "civilian façade" and to make the secretaries "more ornamental than real." Adequate appraisal of this assertion would require fuller analysis of War and Navy departments experience than is now possible. Second, it is contended that to limit the Secretary to "comments" on the budgetary proposals of the Joint Staff, as the War Department consolidation plan suggested, is to abdicate to the military. The Thomas-Hill-Austin bill met the formal, if

not the substantive objection through a reversal of roles—having the Secretary submit the department's budget together with the recommendations of the Joint Staff. However, the essentials of the proposed military budgets really would be determined by the basic strategy-program decisions (as distinguished from advice) for the national defense, which S. 2044 leaves to the President and the Congress. Obviously, the bill could not guarantee the intelligence or independence with which this authority would be used.

These criticisms of criticisms of consolidation, however, are not intended to deny the existence or to minimize the seriousness of the problem of civilian control of the Army and Navy. They are made simply to suggest that satisfactory solutions for that problem are not to be found in fragmentation of managerial authority. Separation of the defense establishments may be the way for civilians to conquer the Army and Navy –but it also may be the way to have the country conquered. The matter would be simpler still if the armed services could be abolished entirely; but that solution is not likely in the calculable future. Since it is not, the sound approach is to determine defense organization in relation to its chief purpose, the development of an effective military machine—the best balanced, most versatile, and most competently led fighting force the country can create. When that determination has been made, it will be in order to determine what instruments are needed for civilian control and to select people who can use them effectively.

No one acquainted with the history of the military and naval establishments in the United States will doubt the need for civilian control over them—or be very sanguine about its prospects. It is not adequate now. But it is doubtful, at least, that it would be less adequate in a single department, and there are some indications that it might be more. Effective civilian control over the military requires, but cannot be supplied alone by, what President Truman has called "the solid good sense and unshakeable conviction of the American people." It is influenced, but not determined entirely, by patterns of organization. Formal authority must be implemented with a sufficiently numerous and competent staff, including the defense secretaries, with whom peacetime experience has been much less happy than might be inferred from the work of recent incumbents. In the end, however, civilian control depends on the continued willingness of the armed forces to act on the assumption that the authority of the civilians in the governmental system of the United States is supreme. This mystery, however, really is only a special case of that perennial problem of administration in a democracy—the reconciliation of efficiency with responsibility.

### *Concluding Caution*

IF ALL Congress should try to do, and does, is to adopt the objective of unification, direct the President and Secretary to effect it, and retain the right to approve their major decisions, it will have created only an opportunity. There should be no illusions about the great difficulties that must be faced if the consolidated agency is to develop and maintain an effective military machine. Congress will have set a challenging task of tremendous magnitude and appalling complexity whose successful discharge will require application of the highest type of civilian and military administrative statesmanship over many years. Consolidation has been justified largely in terms of contributions it could make to better program- and policy-making, but it also would create some grave administrative problems typical of monopolistic activities. If a single department offers possibilities of improved integration, increased consistency, and reduced waste, it also contains dangers of undesirable repression. Achievement of the advantages and avoidance of the dangers

will require constant exercise of a fine sense of balance.

It has been said, for example, that in research, "the objective should be to preserve initiative and enterprise while eliminating duplication and misdirected effort." In procurement, asymmetrical agencies dealing with "thousands of functions and millions of material items" should be integrated to supply standardization without destroying desirable competition. In training, a major objective should be "to instill a mental attitude of cooperation and an alert understanding of the many-sided character of modern war, without impairing technical proficiency or the morale which grows out of tradition and service pride."

To recite these administrative tightropes is merely to emphasize the obvious, that unification, like any other change in organization, is both an opportunity and a threat. It would permit better integration of the military forces without denying any of the armed services its proper sphere. It also would mean the risk that cliques with narrow vision would dominate the consolidated agency and lead the nation to armed disaster. No one can predict with certainty whether the hopes of the proponents of unification or the fears of its opponents would materialize. Either outcome is possible. Pessimists fear principally the dangers potential in concentration of authority. Optimists are attracted by the opportunities for a bold advance in administration and believe men can be found to make it a reality. In the final analysis, then, choice is an act of faith.

---

As it is an excellent principle for every man in public life to magnify his office, and make it honorable, I admire the dexterity with which you dignify yours, by representing an army, and means adequate to its support, as the first thing necessary to make the nation respected. Genius in a general is oftener an instrument of divine vengeance than a guardian angel. Stoddert [Secretary of the Navy], I warrant you, instead of representing the navy as the fourth and last article necessary for national respectability, would have felt the importance of his office enough to have stated a navy as the first and most indispensable. It would not be necessary for me to decide the controversy between you; if it should be, I should be at no loss. My answer would be ready.—John Adams to James McHenry, Secretary of War, July 7, 1799—in *The Works of John Adams,* by Charles Francis Adams (Little, Brown and Co., 1853), Vol. VIII, p. 662.

# Reorganization of Public Welfare Services in New York State

By FELIX INFAUSTO
and BYRON T. HIPPLE, JR.

*New York State Department of Social Welfare*

THE complexities that may develop in the administration of a governmental function are well illustrated by the system of public welfare services that had grown through the centuries in New York State. As characterized by the Governor in his 1944 message to the Legislature:

> Our present system of welfare services is a patchwork. Laws have been enacted through the years and programs introduced as the people of the State have come to recognize the needs of new groups of dependents or have found new devices for meeting old problems. The establishment of each new program has usually carried with it a new administrative unit or plan of operation. The financing of these services has developed without any over-all plan so that the variation in the cost borne by the localities and the State is a bewildering set of inconsistencies.
>
> A more effective attack upon our present day and future responsibilities in the field of social security requires that we bring related activities into an effective working team and that we simplify our administrative machinery. I commend to you for your earnest study and consideration the plain necessity of an integration of our social services.[1]

The steps taken to resolve this situation cannot be examined without first reviewing the "patchwork." Local public welfare administration in New York State reflects a composite of New England and Middle Atlantic state patterns. Rooted in experience from colonial times, cities and towns (townships) had responsibility for providing assistance to needy persons. The development of such specialized types of activities as public home care and foster care of children brought county governments into the field of welfare administration. The establishment of a board of child welfare in the majority of counties as a result of a special enabling act of 1915 added a further complication to the administrative pattern. These child welfare boards administered locally financed, county-wide programs of aid to dependent children. With the enactment of the Public Welfare Law of 1929, uniformity and consistency in local jurisdiction for welfare matters were implied by designating all counties public welfare districts. Exceptions were made of the five counties included in New York City and that city and four others were designated public welfare districts. Later a sixth city was established as a public welfare district. The law of 1929 contained an option that permitted a county by action of its board of supervisors to consolidate the administration of relief activities in the county welfare department, the cost to be borne by county-wide taxes. Exceptions were made of the boards of child welfare, which continued as independent county agencies for a specified program, and of cities within the county public welfare district. But a city might elect to join the county plan and discharge its relief obligations to the county.

This option was a recognition of the growing complexity of local public welfare administration and of the fact that no single

[1] Quoted in State of New York, *Report of the Special Committee on Social Welfare and Relief of the Joint Legislative Committee on Interstate Cooperation.* Legislative Document (1945) No. 45, p. 13.

administrative pattern would necessarily provide a solution for all communities of the state. As an alternative to the established system of county, city, and town administration, the so-called "county-unit" option called for a degree of centralization that was at variance with traditions of town and city autonomy and home rule. In general, therefore, cities and towns continued to administer the various types of public welfare for which historically they were responsible.

The jurisdictions of the county welfare agency and of city and town agencies within the county were not mutually exclusive. The concept of "settlement" carried down from Elizabethan Poor Laws determined the incidence of relief costs for an individual or family. While each city and town administered to "its own" (those having "settlement" in the city or town), the county agency administered relief to all non-settled persons—i.e., persons living in a town or city in which they lacked "settlement."

In the next decade an already complex administrative pattern became further involved. A state-wide program for old age assistance inaugurated in 1930 with state aid had as its local instrumentality the old age assistance district. Each county and city public welfare district became also an old age assistance district; in addition, any other city might elect to become a special district for this purpose, and many did. The rapid development of categorical assistance under the Federal Social Security Act added in 1937 state and federally aided programs of aid to dependent children and aid to the blind. The administrative agency chosen for these new programs was the public welfare district (57 counties and 6 cities) originally established under the Public Welfare Law of 1929. Where boards of child welfare existed, however, these agencies assumed responsibility for the new programs of aid to dependent children. The program of aid to the blind was assigned to the city and county public welfare departments in the public welfare districts.[1]

This complex pattern of local administration, resulting from the creation of special instrumentalities or plans of administration as new programs were added to the social welfare scheme, prevented full achievement of the objectives of the state-wide programs of social welfare which had been developed. In a typical locality the county department of public welfare was administering blind assistance and adult institutional care (public home and other institutional care) for the entire public welfare district including cities and towns; old age assistance and child welfare services within the public welfare district exclusive of the cities; and home relief (general assistance) to all non-settled persons and families throughout the entire public welfare district. A city within the district was administering old age assistance and child welfare services to persons residing in the city and home relief to city residents having settlement within the city. Town welfare offices were administering home relief to persons residing and having settlement in their respective towns. And, finally, the county board of child welfare was administering aid to dependent children throughout the entire public welfare district including the territory of the cities and towns. Each agency administering assistance and care developed its own standards and policies, subject to general state-wide regulations of the State Department of Social Welfare. The differences in treatment of individuals residing in the public welfare district contrasted markedly. Further, the system of state aid for public welfare activities had developed program by program with little consistency and interrelation of financial provisions. Rates of reimbursement for old age assistance, aid to the blind, aid to dependent children, and

[1] Locally financed, state-supervised programs of aid to dependent children and blind assistance had existed in the state under optional state law from 1915 and 1922 respectively.

home relief tended to place a premium on providing care for a needy individual under one program rather than another. The resultant system might well be termed an administrative monstrosity.

### *Study of the Problem*

TO BRING the related public welfare activities administered by the various local jurisdictions into an effective administrative scheme as recommended by the Governor, the Legislature authorized the Joint Legislative Committee on Interstate Cooperation (a standing joint committee) to undertake a study of the welfare services of the state, their relationship to each other and to those of other states and the federal government, and to recommend legislation "to bring coordinated effort and effective accomplishment to the activities of the various agencies of social security and welfare and to provide simplified administrative machinery for [their] efficient operation."

For the purpose of this particular undertaking, the membership of the Joint Legislative Committee on Interstate Cooperation was enlarged temporarily by adding the chairmen of the Assembly and Senate committees on social welfare and related matters and four public welfare administrators appointed by the Governor to represent the State Department of Social Welfare, the county departments of public welfare, the city departments of public welfare, and the town welfare offices. The chairman of the committee also appointed an advisory group to afford wider representation of public interests in this most important study. This advisory committee consisted of one of the deputy commissioners of the State Department of Social Welfare; two city commissioners of public welfare (one, the commissioner of New York City); two county commissioners; the executive officers of the Association of Towns, the State Conference of Mayors, and the County Officers' Association; and the chairman of the State War Council Committee on Child Care. In all of its work, the Special Committee on Social Welfare and Relief of the New York State Joint Legislative Committee on Interstate Cooperation treated the members of the advisory committee substantially as members.

The approach adopted by the Special Committee is worth serious attention since much of the success of the committee's work may be attributed to the procedures which it followed.

As a preliminary step, the committee felt that it was important to assemble a considerable body of data illustrating all phases of the patchwork in the administration of public welfare in the State of New York—the variety of administrative agencies charged with responsibilities for public relief and welfare activities; the variety of special programs authorized at one time or another by the Legislature; and the variety of financial arrangements which accompanied the different programs established over the years. The State Department of Social Welfare acted as the fact-gathering and compiling agent for the committee in this phase of its work. Data illustrative of the existing system of welfare services were presented in tabular and graphic form in a brief pamphlet.

The committee then scheduled a series of public hearings throughout the state to which were invited the public officials and other interested persons and groups in each of the communities covered by the several regional conferences. Considerable publicity was given in advance to each regional conference and copies of the pamphlet setting forth the factual data assembled by the committee were distributed to those in attendance. The committee at this stage of its proceedings had no plan of solution of the complex problem with which it was charged; moreover, it deliberately avoided any inference that any tentative plan or program had been considered. The purpose of the hearings was, first, to make the people of the state aware of the problems in-

volved in the complex pattern of local public welfare administration and, second, to afford all groups and individuals an opportunity to express recommendations, suggestions, or points of view.

These hearings occupied the time of the committee for more than six months in 1944 and constituted perhaps the most important single procedural step taken by the committee. Out of the hearings grew a general public interest in the problems of public welfare administration throughout the state. City councilmen, members of county boards of supervisors, city and county attorneys, city and county comptrollers, and other local officials who for many years had been concerned at one point or another with some phase of public welfare administration became thoroughly informed of the need for improvement in the system. The public, generally, through attendance at the hearings and newspaper coverage of the conferences acquired a knowledge of the public welfare system of the state that alone warranted the investment of time and effort on the part of the committee.

The marshaling of facts and open consideration of the many facets of its task constituted the first year's activity of the committee. The committee's 1945 report to the Legislature outlined the record of these accomplishments.[1] The life of the Special Committee was extended for another year so that it might develop a specific plan to resolve the patchwork.

Concurrently with the study undertaken by the Special Committee on Social Welfare and Relief, the Legislature in 1944 authorized the establishment of the Temporary State Commission on Municipal Revenues and Reduction of Real Estate Taxes. A major segment of this commission's work involved a review of the financial relationships between the state and its municipalities, including the apportionment of shared taxes and other forms of state aid, with the objective of establishing a more equitable and coordinated program of financial assistance by the state to local governments. With state aid for public welfare constituting nearly 25 per cent of the more than a quarter billion dollars of annual state aid to municipalities, the financing of public assistance necessarily was a subject of major concern to the Commission on Municipal Revenues. In 1945, this commission, too, was extended for another year. Its membership was increased to include, among others, the State Commissioner of Social Welfare. Thus, an official liaison was created between this commission and the Special Committee on Social Welfare and Relief.

As the Special Committee on Social Welfare and Relief undertook to synthesize the results of its first year's explorations of the patchwork, a line of demarcation between its work and that of the Commission on Municipal Revenues was worked out. Because the issue of state aid for public welfare activities was so inextricably involved in the work of the Commission on Municipal Revenues, the work of the Special Committee on Social Welfare and Relief was confined to administrative and program matters in the field of public welfare, reserving to the Commission on Municipal Revenues consideration of the financing of public welfare. As administrative and financial plans could not be entirely dissociated, a joint subcommittee was appointed to provide a formal coordinating medium between the work of the two groups.

In the formulation of specific proposals to present to the 1946 Legislature for the simplification of public welfare administration, the Special Committee on Social Welfare and Relief developed a set of objectives or principles. It took as its point of departure the thesis that any plan which it developed for submission to the Legislature should be based in the concept of providing

[1] State of New York, *Report of the Special Committee on Social Welfare and Relief of the Joint Legislative Committee on Interstate Cooperation*. Legislative Document (1945) No. 45, 67 pp.

more efficient and effective service to persons in need, and that all administrative, program, and financial changes should be considered in the light of this underlying principle.

In formulating its program, the Special Committee soon recognized that no single plan for integrated local administration would meet the needs of all communities in the state. The committee decided, moreover, as a result of its first year of study that the diversity in local administration of public welfare activities alone was not significant; difficulties arose, rather, from the "overlapping, conflicting, or competitive aspects of these uncoordinated interrelationships that react unfavorably upon persons in need and complicate the administration of public welfare." The committee, therefore, undertook the development of a plan of administration that would provide optional arrangements for resolving within each county the complexity of administrative jurisdiction over segments of the public welfare program.[1]

Upon completion of a draft proposal, the Special Committee on Social Welfare and Relief made extensive efforts to elicit comments and suggestions from official bodies and from organizations representing local government officials such as the State Conference of Mayors, the Association of Towns, the Association of Public Welfare Officials, and the County Officers Association. As a result of discussions with representatives of these groups, the Committee made modifications and revisions in its program, which was then ready for bill drafting.

One of the committee's most difficult technical jobs was the drafting of a bill to embody its proposals and program. It was, of course, a complex task to devise a program designed to overcome administrative, jurisdictional, eligibility, and financial provisions which had grown up through the years, but it was especially difficult to translate these general proposals into a bill that would not infringe on aspects of public welfare administration which the committee wished to retain intact. Amendment of the Social Welfare Law to carry out the recommendations of the Special Committee constituted, in effect, a wholesale revision of the total law. Many points in the committee's program entailed a review of related laws, as, for example, the county, the town, the general municipal, the general city, the mental hygiene, the public health, and the children's court laws. Moreover, that portion of the recommendations of the Commission on Municipal Revenues relating to the financing of public welfare had to be incorporated into the revision of the Social Welfare Law.

The care and attention which the Special Committee had devoted, first, to its study of the system of public welfare administration and, second, to the development of a program to correct its deficiencies bore fruit when its bill was introduced into the Legislature. The value of the job of public education and interpretation undertaken by the committee in its first year and of the careful and extensive clearances of its proposals in the process of their formulation was reflected in the unanimous passage of the committee's bill by the Assembly and its passage by the Senate with but one dissenting vote. A measure fraught with potential disagreement or opposition from one or another local group thus secured general acceptance and was adopted on a substantially unanimous, nonpartisan basis.

### *Major Provisions of the Program*

A FIRST step toward reducing administrative and financial complexities in the public welfare system of the state was the elimination of the centuries old settlement provisions with their accompanying system of charge-backs. The committee proposed

[1] *Integration of Public Welfare Services in the State of New York; The Plan Proposed by the Special Committee on Social Welfare and Relief of the Joint Legislative Committee on Interstate Cooperation* (1945), 33 pp.

that all persons in need of any type of public assistance or care receive it from the public welfare district in which they reside, irrespective of length of residence, previous relief history, or other considerations. This provision was one of the most radical in its effect upon local financial responsibility for public welfare services. The settlement provisions had been designed essentially as a financial protection to each municipality against the charge to its taxpayers for the care of needy persons who might move there from another locality. To protect the municipalities against undue burdens of relief costs for persons who might move to the state from other states, New York State assumed the full cost of necessary care for the first year of residence within the state of any such migrant. A modification to the principle of eliminating the charge-back of cost of relief from one municipality to another was provided, however, in the case of hospital or other institutional care. The concentration of such facilities, particularly medical institutions, in the larger centers of population justified this exception to the general rule.

The administrative provisions are among the most interesting features of the committee's proposals. To achieve its objective of providing efficient and complete service to all people in need, the committee developed a series of optional patterns the net result of which was to center in the county departments of public welfare full responsibility for the investigation of all applications for assistance or care and for continuing investigation of the eligibility of those in receipt of assistance or care. To provide ready access to public social services on the part of those in need, the committee proposed that an officer in each town and city receive all applications and requests for assistance, care, or service and refer such requests to the county welfare department for investigation. The officers in the towns and cities were to be authorized to provide immediate emergency assistance where necessary.

A primary step toward simplification and integration of public welfare administration was the proposal to abolish the remaining county boards of child welfare and transfer their functions, duties, and staffs to the respective county welfare departments.

Little change was required to bring town administration of home relief into conformity with the general scheme. The responsibility of town welfare officers for authorizing and issuing home relief to eligible needy persons was to be continued, but the investigation of eligibility and extent of need was to be made by trained staff members of the county welfare department as a service to the towns. The duties of the town welfare officer were extended, however, to include receipt of any request for assistance or care from any needy person in his town, whether for home relief, old age assistance, child welfare services, hospital or medical care, or other forms of public assistance and care.

For some years there had been available an optional provision in the law permitting the establishment of the county-unit system of welfare administration. Under this arrangement, a county board of supervisors might abolish town responsibility (both financial and administrative for home relief) and assume it as a general county responsibility under the county welfare department. The committee recommended the retention of this option in the law and, in addition, proposed that towns included in such a county unit be empowered to appoint a town service officer who might act as agent of the county to receive applications for assistance and care in his town and provide any necessary emergency assistance.

The committee faced its most difficult task in dealing with the variety of established patterns of city welfare administration. With the exception of the six special

city public welfare districts which administered all programs of public assistance and care, city welfare responsibilities were fragmentary. Some cities administered only home relief and medical and hospital care; others administered, in addition, old age assistance, or child welfare services, or both. City residents in need of other types of assistance or care were served by the county welfare departments.

An effective system of public welfare called for coordinated administration of all types of assistance and care. Two obvious courses of action to this end were immediately suggested—the first, to establish all cities as public welfare districts with financial and administrative responsibility for all types of public assistance and care; the second, to transfer all city welfare responsibilities to the counties. Neither course of action was entirely practicable or feasible. If cities of small population were to attempt to assume and maintain the full program of welfare services requisite to a public welfare district, it would result in expensive and inefficient administrative establishments. The elimination of cities as administrative jurisdictions for public welfare purposes would ignore the fact that many cities were far more populous than some counties and equally, if not more, defensible as units for the local administration of public assistance and care.

The committee, therefore, proposed making available to cities a series of options that would permit local determination of the most suitable arrangement for achieving a coordinated administration of all types of assistance and care. These options provided administrative devices for delegating or transferring existing city welfare activities to the county, or for delegating to the city those welfare functions administered by the county within the city. Under either arrangement integrated administration of all types of public assistance and care would be achieved.

Any election of an option by a city would necessarily affect the county in which the city is located. Particularly, local finances would be disrupted if interdistrict transfers of administration of welfare programs were accompanied by transfer of responsibility for welfare costs. To insure a measure of financial stability, the options developed by the committee provided that city and county financial responsibilities for public welfare should remain relatively unchanged, though administrative arrangements might vary considerably. A further safeguard against ill-advised action by a city was the proposal that the election of an option by a city should be subject to ratification by the board of supervisors of the county in which the city is located.

Briefly, the various options available to cities provide:

1. The city may contract with the county for the county welfare department to assume within the city the administration of the welfare programs for which the city is responsible, the city to reimburse the county for amounts expended as agent of the city.

2. Similar to option 1, with the added provision that the city may appoint a city service officer and maintain an office to serve as intake center for applications and requests for assistance, care, or service.

3. Similar to option 2, except that costs of the city programs administered by the county are met by a tax levied by the county on taxable property of the city rather than by reimbursement from city-levied taxes.

4. The city may contract with the county for the city to assume the administration within the city of the welfare programs for which the county is responsible, the county to reimburse the city for amounts expended as agent of the county.

5. The city may employ a public welfare officer who shall administer home relief and medical and hospital care to city residents, relying, however, on social investigations

made by staff of the county welfare department (this provision is similar to that for town welfare officers).

The committee recognized the experimental nature of its proposals for city options by providing that the term of any option elected by a city shall be two years. Thereafter, a city might re-elect the same option, or elect a different plan.

In recognition of the fact that larger cities provide logical units for local public welfare administration, the committee proposed that cities of over 50,000 population might elect, by action of the city council alone, to become public welfare districts with full administrative and financial responsibility for all types of public assistance and care. Such action once taken, however, was not to be subject to change at a later date, except by decision of the Legislature.

In this connection, an interesting development occurred at the time the committee's proposals were introduced into the Legislature. A number of cities having less than the 50,000 population desired to become city public welfare districts and indicated intention of introducing special bills to accomplish their purpose. The Special Committee on Social Welfare and Relief, in anticipation of this action, notified all cities of less than 50,000 population that an opportunity would be provided for hearing their case if they so desired and, further, that the Special Committee would support special legislation for those cities which demonstrated an equitable proposal and financial ability to undertake the responsibilities of a public welfare district. The legislative members of the Special Committee assumed particular responsibility for this phase of the committee's work. The hearings which this subcommittee held were attended by representatives of the State Department of Social Welfare and of the State Department of Audit and Control, which had complete data on the financial capacity of municipalities. In addition, the subcommittee invited representatives of the county government in which a city was located to attend the hearings to represent the interest of the people of the county as a whole in weighing any particular proposal for authorizing a small city to establish itself as a special public welfare district. This procedure screened out a number of requests which, either because of the small size or the financial position of a city, it would have been injudicious to accept. Six cities, however, did present an adequate case and special bills were enacted by the Legislature to enable them to become public welfare districts.

Simultaneously with the formulation of the proposals of the Special Committee on Social Welfare and Relief, the Temporary Commission on Municipal Revenues and Reduction of Real Estate Taxes prepared its program for legislative action.[1] In considering state aid for public welfare activities, the Commission on Municipal Revenues weighed the possibility of replacing the variations in the proportion of state aid currently provided for different programs with a fixed percentage of state aid for all local public welfare costs. Such a provision would have introduced state aid in certain types of public welfare activities, as, for example, maintenance and operation of public homes, hospital care, and foster and institutional care of children, which theretofore had been completely local charges. This course of action was vetoed, however, because of the administrative complications involved in determining a basis for a state-aid formula relating to the operation and maintenance of institutions. Rather, the commission recommended that state aid for old age assistance, aid to dependent children, aid to the blind, and home relief be increased to 80 per cent for each program and, further, that local salary costs incurred in the administration of all types of public assistance and care (exclusive

[1] State of New York, *Report of the Commission on Municipal Revenues and Reduction of Real Estate Taxes* (1946), 116 pp.

of institutional personnel) be reimbursed at the same rate. This high rate of reimbursement was designed to provide local governments with substantially the same amount of state aid as would have resulted from a lower percentage of reimbursement spread "across the board" for all types of assistance and care. It had the advantage of utilizing time-tested financial and administrative procedures in disbursing state aid. To insure that local funds released by this increased state aid for four programs would be used to strengthen, support, and improve all programs of assistance and care, the commission recommended as follows:

> By establishing a uniform and high rate of reimbursement for these four programs, opportunity is afforded for substantial gains in simplification and improvement of administration of all types of social welfare assistance and care.
>
> In consideration of the increased welfare aid provided, the various localities should be required to establish, not later than January 1, 1947, programs of administration that embrace all local welfare services in an integrated plan, that are economical and efficient in operation, and that provide assistance or care appropriate to the needs of the eligible individual or family, regardless of the rate of reimbursement for the particular type of assistance and care. In the development of such plans, the varying requirements of individual welfare districts must be considered.[1]

Gearing in with this concept of providing assurance that the additional state aid would, in effect, provide stronger support for the total public welfare program in a locality, the Special Committee on Social Welfare and Relief proposed a novel device. Each county and city public welfare district was to submit to the State Department of Social Welfare a plan of administration which would provide evidence that the public welfare district would develop and maintain methods and standards of administration of public assistance and care in conformity with the objectives and recommendations of the Special Committee on Social Welfare and Relief. It was further proposed that these plans should be subject to review at any time by the State Department of Social Welfare and that failure on the part of a city or county public welfare district to adhere to the provisions of its approved plan might result in reduction or withdrawal of state aid to that district. These plans of administration were to include the full range of public social services administered by the city or county public welfare district—programs for which no state aid was directly authorized as well as those for which state aid was provided. This proposal highlighted the fact that the high rate of state aid proposed by the Commission on Municipal Revenues for four programs was, in effect, a convenient instrumentality for providing state aid in support of all local public welfare services.

All of these proposals of the Special Committee on Social Welfare and Relief and of the Commission on Municipal Revenues as they affected public welfare operations were enacted into law during the 1946 session of the Legislature.

### *Effect on State Organization and Administration*

IN ANTICIPATION of major changes that seemed likely to be made as a result of the work of the Special Committee on Social Welfare and Relief and of the Commission on Municipal Revenues and Reduction of Real Estate Taxes affecting public welfare operations, the State Department of Social Welfare undertook an extensive reorganization of its administrative establishment. Essentially, this reorganization was designed to bring together in one major division within the department all activities relating to state supervision of local public welfare administration. In another major division were grouped all of the welfare activities administered directly by the state.[2]

The first local plans are now in process

[1] *Ibid.*, p. 21.

[2] Robert T. Lansdale and Byron T. Hipple, Jr., "Integration of Social Welfare Services—State Organization," 20 *The Social Service Review* 1-10, (March, 1946).

of preparation and will be submitted to the department before the end of the current year. While it is too early to speculate on the many administrative issues that will undoubtedly arise, it is, nevertheless, apparent that the provision relating to local plans is the most important single feature of the legislation affecting the administrative operation of the department.

In the past, supervisory activities of the department have been geared essentially to individual programs rather than to an evaluation of the relative effectiveness or accomplishment of total public welfare operations. The local plan provisions of the new legislation focus supervisory efforts of the department on the effectiveness and efficiency of public welfare administration as a whole in each local district. The right of review by the State Department of Social Welfare of local determinations on individual cases, which previously had been confined to the three Social Security categories (old age assistance, aid to dependent children, and aid to the blind), is extended to cover all forms of public assistance and care. With this shift in emphasis of state supervision of all local public welfare programs and operations, an opportunity is afforded to synthesize state policy and program plans to achieve an integrated and coordinated system of public social services.

---

The current attacks [on mental hospitals] recognize that a system enmeshes in itself at best administrators who see the ills, want to do better, but find themselves blocked at every turn by the system itself. At worst, the system attracts those whose talents and ideals are so dwarfed that their shortcomings can persist undetected and unchallenged in a set of hidden and isolated routines. Criticisms recognize that institutions are what the public has provided the administration to work with. In a way, they are what the public has wanted—cheap and isolated enough not to be an unpleasant reminder of guilty negligence. Current discussions recognize that the incrimination of specific personnel of these institutions neither changes the system nor insures better personnel for the future, but does give the public an excuse and a temporary relief from guilt, and so the public welcomes scapegoats.

Recent articles recognize, nevertheless, that the administrator who has done his best with what he is given may be an accessory to the crime by failing to keep the public informed of its neglect. The public appreciates this protection until the situation explodes, and then it turns on its protector.

It is, therefore, most unwise for administrators to conceal the shortcomings of the system and to let themselves be thought of as its protectors and advocates.

We recognize that it is not only the duty, but the best form of self-protection for the administrator to keep the public informed of its failure to provide him with adequate tools, even though at times the public may resent this and try to replace him with a more malleable soul.

The National Committee for Mental Hygiene will lend support to all hospital superintendents, state officials, and others in authority, to use all means in their power to see that the standards set by the American Psychiatric Association are adopted and maintained in their institutions. "Attacks on Mental Hospitals," 30 *Mental Hygiene* 353-54 (1946).

# Administration by Statute—The Question of Special Laws

By G. LOWELL FIELD

*Assistant Professor of Government*
*University of Texas*

MUCH of the statutory output of Congress consists of provisions that are hardly legislative in the ordinarily accepted sense. This fact has frequently been noted in generalized comments and descriptions. It has aroused criticism as a relatively wasteful use of congressional time, as an infringement upon the proper functions of the executive, and for other reasons. Compared, however, with the opposite aspect of the imaginary boundaries of the legislative power—rule-making by the executive and policy-formation by judges—legislative encroachments have received little detailed analysis.

Theoretical and legal concepts of a separation of powers have been curiously ineffective in stemming a spate of special legislation by Congress and the state legislatures. Under laissez-faire conditions the concepts of executive and judicial powers evoked fairly definite mental images (involving the then customary procedure of law enforcement by apprehension, prosecution, judgment, and punishment) and operated with some effectiveness as restrictions on political conduct. As to a legislative "power," Locke[1] speaks of "promulgated established laws, not to be varied in particular cases," and Rousseau says that "law considers subjects *en masse* and actions in the abstract, and never a particular person or action";[2] but while a vague generality is frequently ascribed to the legislative role, the accepted legitimacy of legislative concern with many specific matters of governmental organization and finance has prevented the emergence of any really restrictive stereotype for the proper function of a legislative body. If specific constitutional limitations are ignored, a decision made by a legislative body is law, and executives and judges exercise as much or as little discretion as the legislative decision permits.

There seems to have been little inclination on the part of courts to apply general constitutional principles (as distinguished from specific prohibitions) to curb special legislation as such. Perhaps because the specific prohibition of bills of attainder seemed to preclude the more objectionable forms of legislative tyranny, courts early condoned private and *a fortiori* special public (i.e. administrative) acts.[3] The more recent specific prohibitions in state constitutions of special acts are frequently evaded.[4]

In the present study a sample of recent congressional legislation is analyzed—the "public laws" of the Seventy-eighth Congress, 1943-1944, and the "private laws" of the second session of the Seventy-seventh Congress, 1942. The purpose is to clarify the extent to which decisions of specific questions are taken in statutory form and to determine in what fields these legislative

[1] *Of Civil Government* (Everyman's Library, 1924), p. 189.
[2] *The Social Contract*, G. D. H. Cole, translator (Everyman's Library, 1932), p. 33.
[3] See the early case of *Wilkinson* v. *Leland* (2 Pet. 627 [1829]), upholding the legislative validation of a will.
[4] For a recent study of special legislation in one state see Hallie Farmer, *The Legislative Process in Alabama: Local and Private Legislation* (University of Alabama: Bureau of Public Administration, 1944), pp. iv, 52.

aberrations most frequently occur. For each field in which special legislation is found to be frequent an attempt has been made to determine what rigidity (lack of effective jurisdiction outside of Congress) in the permanent laws encourages the passage of special acts. To bring to light possible effects of specifically American governmental institutions (especially the presidential form of executive organization), an analysis of samples of Canadian national and of British legislation is presented for comparison.[1] To make possible definite statements of findings, only the predominant character of whole acts has been considered. Anyone who has read general appropriation acts or omnibus river and harbor acts will realize that this limitation results in a material understatement of the extent of administration by statute.[2]

### *Definition of Special Laws*

For purposes of this study, a law was classed as special if it amounted to a specific decision with respect to a specific limited situation. Usually such laws are either self-executing or involve at most a very limited series of largely formal and ministerial actions for their execution. When a law might have been classed either as special or merely as rapidly exhaustible, an apparent lack of significant administrative discretion in its execution was the criterion for placing it in the special class. A law appropriating money or authorizing contracts was not classed as a special law unless the whole act was very specific in character.

So-called "local legislation," relating to the affairs of particular municipalities, is usually not distinguished from special legislation. There might, however, be some logical question on this point. Acts authorizing particular municipal public works or bond issues, for instance, are clearly special laws. Permanent charter provisions might not be so considered. Is the governmental or the corporate aspect of a municipality to be emphasized? An act chartering a private corporation seems to be special legislation. An act constituting and empowering a department of the central government clearly is not. A municipal charter act falls between these extremes but, partly because of the small portion of the total population affected, it more nearly resembles the private charter act.

Laws affecting particular municipalities are called "local laws" in this study and are treated as a variety of special legislation. Legislation not otherwise special, however, is not so regarded merely because it is geographically limited if the region affected is not a mere municipality. What may be called "regional laws," relating to dependencies or other areas (e.g. Scotland) having somewhat differentiated legal systems, are not in any ordinary sense special laws. The District of Columbia is more nearly a special region in this sense than a municipality, and laws relating only to the district are not necessarily classed as special laws.

### *General Analysis of Legislative Output*

Acts passed in 1943 and 1944[3] were officially classified as follows:

| *Type of Law* | *United States* | *Canada* | *Great Britain* |
|---|---|---|---|
| "Private" or "local and private" | 589 | 220 | 36 |
| "Public" or "public general" | 568 | 85 | 96 |
| Total | 1157 | 305 | 132 |

[1] Texts of all acts ("public general" and "local and private") of the 4th and 5th sessions of the 19th Canadian Parliament, 1943-1944. Texts of the "public general" acts of the 8th session of the 37th Parliament of the United Kingdom, 1942-1943 (one year). Titles in *Government Publications* (H. M. Stationery Office, monthly) of all "local and private" acts of the 8th and 9th sessions of the same Parliament, roughly 1943-1944 (two years). Titles *ibid.* of all British "public general" acts passed during 1940-1944 (five years).

[2] In 1943 United States appropriation acts occupied 431 pages of the slip laws. In the same year the equivalent British and Canadian acts (including the largely repetitious British numbered Consolidated Fund Acts and their Canadian equivalents) occupied in the statute books 54 and 53 pages respectively.

[3] 8th and 9th sessions of the 37th Parliament of the

In the United States, laws passed for the benefit of named individuals or organizations in their private capacities are designated "private laws." Other legislation is classified as "public." British and Canadian laws of the type classed as private in the United States together with laws relating to particular corporations, whether municipal or private, form the "local and private acts" in those countries.[1] Other British and Canadian laws are described as "public general acts." These classifications in effect segregate as "private" or as "local and private" those acts which official usage hesitates to regard as true laws. This official segregation of special laws is highly conservative and not always constant.

On the basis of the definition used in this study the above acts have been reclassified as follows:

| *Type of Law* | *United States* | *Canada* | *Great Britain* |
|---|---|---|---|
| Special | 735 | 227 | 38 |
| Other | 422 | 78 | 94 |
| Total | 1157 | 305 | 132 |

One hundred forty-six United States public laws were added to the private laws to make up the special class. Seven Canadian public general acts were added to the local and private acts of that country to give the total of Canadian special laws. Two public general acts were added to the British local and private acts to form the special class.

Special laws may be regarded as the extreme case of laws limited in space-time extension. If laws limited in applicability by their own terms are added to the special laws, the number of truly general and permanent laws is relatively small:

| *Type of Law* | *United States* | *Canada* | *Great Britain*[2] |
|---|---|---|---|
| Limited in space or time | 955[3] | 262[4] | 43[5] |
| Unlimited applicability | 202 | 43 | 22 |
| Total | 1157 | 305 | 65 |

The proportions of acts which on one or another of the bases heretofore used fall short of full generality are as follows:

| | *Percentage* | | |
|---|---|---|---|
| *Type of Law* | *United States* | *Canada* | *Great Britain* |
| "Private" or "local and private" | 51 | 72 | 27 |
| Special | 64 | 74 | 29 |
| Limited in space or time | 83 | 86 | 66 |

If the samples of legislative output are viewed as a whole, the total number of United States acts, both public and private, and especially the total number of United States public acts here classed as special, are much greater than in either of the other countries. This may well reflect the difference in relationship between the executive and the legislature. Definite legislative leadership from a Cabinet responsible for planning and introducing all important legislation appears materially to reduce the total number of public general bills in Great Britain and Canada. This limitation probably operates in two ways. First, it facilitates the use of annual omnibus measures assembling the necessary annual legislation on particular subjects. Second, it offers no opening for the introduction of special measures limiting or directing administrative action.

A second salient fact is the much smaller proportion of non-general acts passed in Great Britain than in the other countries. This might also be an expected consequence of legislative leadership of the Cabinet system type, but the proportion of Canadian

United Kingdom. These do not exactly coincide with the calendar years.

[1] Three "measures" of the Church of England Assembly, sanctioned by parliamentary resolution, are not included.

[1] Before passage all British local and private bills are referred to as "private bills," those designed to become private rather than local (including all corporation) acts being distinguished as "personal" or "estate bills."

[2] 8th session (1943) only.

[3] Special, 735; regional temporary, 16; regional permanent, 36; temporary, 168. Of the regional laws, 38 related to the District of Columbia.

[4] Special, 227; regional temporary, 2; temporary, 33.

[5] Special, 17; regional temporary, 6; regional permanent, 7; temporary, 13.

non-general acts exceeds that of the United States. The high proportion in Canada, however, results from the fact that the Canadian Parliament has seen fit to act as the divorce court for several of the Canadian provinces, a circumstance not likely to be related to the form of executive organization. If the 203 private divorce acts are removed from the Canadian sample, Canada shows lower percentages of non-general acts than either of the other countries: "local and private," 17; special, 24; acts limited in space or time, 58.

### *Fields of Special Legislation in the United States*

Of the 146 public laws of the Seventy-eighth Congress classified above as special laws and the 383 private laws passed by the second session of the Seventy-seventh Congress, 463 may be classified into definite, frequently recurring types (Table 1).

Table 1. Frequently Recurring Types of United States Special Legislation

| | Special Laws | | |
|---|---|---|---|
| | Total | Public | Private |
| Total laws | 529 | 146 | 383 |
| Unclassified | 66 | 47 | 19 |
| Classified into types | 463 | 99 | 364 |
| *Types:* | | | |
| 1. Settlement of claims against the government 305 | | 8 | 297 |
| Deduct: laws also classed in other types −29 | 276 | −0 | 8 −29 | 268 |
| 2. Forgiving technical liabilities of government employees | 41 | 2 | 39 |
| 3. Alienation of government real estate | 30 | 29 | 1 |
| 4. Waiving technicalities of government employees compensation procedures | 24 | 0 | 24 |
| 5. Authorizing obstructions to navigible waters | 21 | 21 | 0 |
| 6. National parks, monuments, reservations, etc.: boundaries, etc. | 17 | 17 | 0 |
| 7. Government contracts: waiving technical government rights or validating invalid contracts | 13 | 1 | 12 |
| 8. Waiving requirements of the immigration laws | 14 | 0 | 14 |
| 9. Administration of Indian trust property | 8 | 8 | 0 |
| 10. Ratification of interstate compacts | 7 | 7 | 0 |
| 11. Transfer of administrative jurisdiction over government real estate | 6 | 6 | 0 |
| 12. Forgiving or refunding forfeited bail bonds | 6 | 0 | 6 |

Strict application of the definition of special laws here used brings into the class certain acts the propriety of whose passage by a legislative body is not ordinarily questioned. These involve important questions of policy necessarily taking more or less specific form and acts relating to the business of the legislative branch itself. The laws shown as unclassified in Table 1 thus include an act to fix the date for convening the next regular session of Congress, an act extending the terms of office of the incumbent President and Vice President of the Philippine Commonwealth on account of the Japanese occupation of the islands, an act providing for the advancement of the date set for Philippine independence, three acts extending the statute of limitations in relation to incidents connected with the Pearl Harbor disaster, and (if the constitutional propriety of attaching certain public institutions to the legislative rather than the executive branch be granted) an act appointing members of an institutional governing board.

It should not be assumed, however, that the unclassified special laws are predominantly of the kind just described. The unclassifiable character of these laws suggests that they are examples of a possible proper use of special legislation, the meeting of situations arising from unforeseeable rigidi-

ties in the permanent laws. Their large number suggests otherwise. Most of them involve questions of a relatively minor administrative nature. One, for instance, authorizes the loan of certain government-owned kitchen equipment to a particular Boy Scout troop.

Only thirteen of the laws fall in the definition of local laws. Five of the laws of type 3 and 5 unclassified special laws relate to the District of Columbia. The other 3 are acts authorizing bond issues by Alaskan cities.

In terms of the functions performed by Congress in their enactment, the special laws fall into the following classes:

| *Class* | *Number* |
|---|---|
| I. Important political decisions, special in form, and business of the legislative branch: | |
| Type 10,[a] plus 7 unclassified laws .. | 14 |
| II. Specific decisions about government property: | |
| Types 3, 6, 9, and 11, plus 8 unclassified laws ..... | 69 |
| III. Waivers of technical rights of the government in its business dealings: | |
| Types 1, 2, and 7, plus 2 unclassified laws ..... | 332 |
| IV. Dispensations from the general laws for the benefit of individuals: | |
| Types 4, 8, and 12, plus 12 unclassified laws ..... | 56 |
| V. Miscellaneous decisions, mainly administrative in nature: | |
| Type 5, plus 37 unclassified laws .. | 58 |
| Total ..... | 529 |

[a] "Types" are those of Table 1.

Only a few of the special laws in the United States represent decisions involving broad political questions.

### *Type 1. Settlement of Claims against the Government*

Six public laws were for the settlement of specific claims of public bodies against the federal government. One granted special jurisdiction to settle private claims arising out of a particular event. Another, closely related to a kind of private claim which can be settled judicially, authorized the removal at government expense of certain oysters about to be endangered by dredging operations.

Of the 297 private acts for the settlement of claims, 14 granted special jurisdiction (administrative or judicial) to pass on the claim or at least to insist on certain conditions before payment. The other 283 private acts (like most of the public acts) settled the claim by authorizing a specific payment of money out of the Treasury.

Of the claims represented by these private acts, 205 were for the redress of torts.[1] The largest group of tort claims (156) represented liabilities incurred through the operation of vehicles by government employees: 138, automobiles; 12, aircraft; 4, motorcycles; 1, tractor; and 1, bicycle.

The only other type of tort plentifully represented consisted of accidents arising from the carelessness of workmen or soldiers. A total of 18 private acts related to claims of this sort.

Presumably none of the claims recognized by these laws were adjudicable in the courts. Administrative authority to make a settlement was also presumably lacking or unduly limited, although there may be some instances in which the claim was administratively denied or in which the claimants were unwilling to accept the amount offered. This legislation, therefore, arises mainly from two circumstances: first, the immunity, nowadays qualified, of the United States from suit in the courts and, second, the extreme legalism with which American administrators are required to handle the business and financial relations of the government with private persons.

The fact that English common law doctrines of the royal prerogative were only partially accepted in United States law helps to explain both of these aspects of the business relations of the United States government. In general the English rules were accepted as applicable to the condi-

[1] There were 282 private tort claims acts passed by the 76th Congress, of which 276 made direct settlement, according to Alexander Holtzoff, "The Handling of Tort Claims against the Federal Government," 9 *Law and Contemporary Problems* 322 (1942). Of the 205 tort claims acts of the present sample, 200 made direct settlement.

tions of republican independence only so far as they might be thought of as relating to the privileged position of the King as the *personification* of the state. Rules implying any inherent capacity in the executive to exercise discretion as the *legal representative* of the state were rejected. Thus at common law the King (and, therefore, the Government) could not be sued without his own consent. But the executive authority could and did give consent to suits. On the other hand, the United States government "is not liable to be sued, except with its own consent, *given by law*" (*United States* v. *McLemore*, 4 Howard 286, 288 [1846], italics added), a totally different matter.

Since 1887 the United States government has in general been fully suable on its contracts and for obligations arising directly from a provision of law. Such liability has, however, been strictly construed to avoid subjecting the government to any liability of a tortious nature even when an action of this type might have been made to rest upon an implied contract.[1] Since pension claims are specifically excluded, obligations arising directly from a provision of law would appear to consist mainly of claims for salary. This jurisdiction, therefore, is primarily in contractual matters and extends to claims founded "upon any contract, express or implied . . . or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity or admiralty, if the United States were suable . . ." (28 U.S.C. § 250).[2]

While the possibility of implied contracts is admitted, such a contract could not in general arise from an act of an officer which was *ultra vires,* and the most formally executed written contract could likewise be void for the same reason. "No contract or purchase . . . shall be made unless the same is authorized by law or is under an appropriation adequate to its fulfillment" except for certain purposes in the War and Navy departments (41 U.S.C. § 11). It is also provided (41 U.S.C. § 12) that the government cannot be bound to pay more than has been appropriated for any specific public building or public improvement.

Until the passage on August 2, 1946, of the Federal Tort Claims Act as Title IV of the Legislative Reorganization Act of 1946 (Public Law 601, Seventy-ninth Congress) the judicial liability of the United States for torts was extremely limited. The Supreme Court assumed that in 1939 corporations owned by the United States government were fully liable for torts.[3] Except in the case of the Tennessee Valley Authority the Federal Tort Claims Act seems to transfer this liability directly to the government. Before the 1946 act the government in its own capacity appeared to be judicially liable for only three classes of tort. A provision (35 U.S.C. § 68) enacted in 1910, amended in 1918, allows the owner of a patent infringed by the United States to sue in the Court of Claims "for the recovery of his reasonable and entire compensation for such use and manufacture." In the case of its merchant vessels (owned or operated) since 1920 and of its public vessels since 1925, the United States is liable in the District Courts for admiralty and maritime torts—but not to naval personnel and for its merchant vessels only while they are in the ports or territorial waters of the United States.[4] Since 1935 the United States has been liable "for damages to oyster growers upon private or leased lands or bottoms arising from dredging operations . . ." (28 U.S.C. § 250a).

The Federal Tort Claims Act has placed

[1] Robert Dorsey Watkins, *The State as a Party Litigant* (Johns Hopkins University Press, 1927), pp. 77-91.

[2] This jurisdiction is generally in the Court of Claims but the District Courts have concurrent jurisdiction of claims up to $10,000.

[3] *Keifer and Keifer* v. *Reconstruction Finance Corp. and Regional Agricultural Credit Corp.* (306 U.S., 381 [1939].

[4] Holtzoff, *op. cit.*, p. 315. 46 U.S.C. §§ 742, 781. 46 U.S.C.A. 742, note 25, p. 486.

the United States in the vanguard of jurisdictions now submitting to tort liability and, unless perhaps for its one year limitation on claims, should entirely eliminate private tort claims bills from the business of Congress. The act makes the government answerable in the District Courts of the United States for torts as if it were a private person subject to the laws of the place where the tortious act occurred. Excepted, however, from the scope of this liability are the execution of laws and regulations (whether valid or invalid), torts relating to postal matter, tax collection, official detention of goods, administration of the Trading with the Enemy Act, quarantines, shipping in the Panama Canal, "assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, ... interference with contract rights," fiscal and monetary operations of the Treasury, the "combatant activities" of the armed forces, and "any claim arising in a foreign country."

There had been much objection to proposals for the simple waiving of governmental immunity such as would arise from simply deleting the words "not sounding in tort" from the basic jurisdictional provision of the Court of Claims (28 U.S.C. § 250).[1] Canada has recently assumed a very wide liability for torts arising out of negligence. New York State has almost completely assumed the status of a private person in the matter of judicial liability, even to the extent of providing for practically automatic payment of judgments without waiting for appropriations.[2] Whether such blanket submissions to jurisdiction will give rise to serious legal uncertainty because of the unique position of the government and the difficulties of applying analogous provisions of private law is a seriously debated question.[3] Much ingenuity has been devoted to statutory provisions for limited or gradual assumption of governmental liability.[4]

Several attempts had been made to subject the United States government to a tort liability much broader than the fragmentary provisions which preceded the Federal Tort Claims Act. Notable was H.R. 9285, Seventieth Congress, second session, pocket-vetoed by President Coolidge May 4, 1929.

In January, 1942, President Roosevelt, in a message calling attention to the great amount of time and money devoted by Congress to petty matters in the midst of war, recommended that department heads be given general power to settle "tort claims up to $1,000, with review by the Attorney General of awards over $500" and that the District Courts be given jurisdiction over tort claims up to $7,500, subject to review by the Court of Claims.[5]

Obviously a government, like a private person, need not refrain from settling just claims until a court judgment has been secured against it. The administrative settlement of claims for government torts is analogous to private settlement out of court. Probably from motives of economy, American legislatures have been nearly as hesitant to grant powers of discretionary administrative settlement as to provide court jurisdiction. In fact, New York State, although completely subject to judicial suit, has no provisions (except for Erie Canal cases) for settlements out of court. The most that the administration can do to recognize a just claim is to refrain from argument before the court.[6]

[1] It is frequently stated that the immunity of the government from tort liability leaves its agent liable (for whatever this may be worth to the claimant). This is nowadays doubtful doctrine. See Frederick Blachly and Miriam E. Oatman, "Approaches to Governmental Liability in Tort: A Comparative Survey," 9 *Law and Contemporary Problems* 194 (1942).

[2] John W. MacDonald, "The Administration of a Tort Liability Law in New York," 9 *Law and Contemporary Problems* 262, 277, 279 (1942).

[3] See the Spring, 1942, issue of *Law and Contemporary Problems*, titled "Governmental Tort Liability."

[4] See especially Edwin Borchard, "Proposed State and Local Statutes Imposing Public Liability in Tort," 9 *Law and Contemporary Problems* 282-310 (1942).

[5] 88 *Congressional Record* 313-14; 351-52.

[6] MacDonald, *op. cit.*, p. 277.

In the case of the federal government only relatively minor tort claims can be settled administratively. Both the Secretary of War and the Secretary of the Navy have power to settle claims for property damage or loss or for personal injury or death in amounts up to $5,000 arising in foreign countries from the operations of their respective services (31 U.S.C. § 224d, enacted 1942, amended 1943). Under the Federal Tort Claims Act the head of every executive agency or government-owned corporation is authorized to settle claims up to $1,000 for "damage to or loss of property or on account of personal injury or death" within the same general limitations as those applying to tort claims against the government before the District Courts. This provision replaces several less general and more fragmentary authorizations of the same sort.

Ninety-two of the private claims acts related to moral obligations other than torts recognized by the government. These acts were highly diversified, but three groupings account for 40 of them. Thirteen related to cases of loss of personal effects (e.g. in fire) under circumstances implying governmental responsibility. Thirteen related to injuries or deaths of law enforcement officers in the line of duty, of citizens assisting such officers, or of federal prisoners. Fourteen compensated persons from whom the government had received personal services under illegal appointments, under erroneously dated appointments, or without formal appointment. The last group involves the same questions as laws of Type 2 and will be discussed under that heading.

The acts compensating individuals for losses of personal effects reflect the general inability of American administrators to honor claims that are not strictly binding in law. There are, however, permanent provisions for the administrative approval of payments of this sort to members of the Army and employees of the War Department.[1] Since 1943, too late to affect the sample of private laws here used, similar provisions have existed for the benefit of naval personnel (34 U.S.C. § 984).

### *Type 2. Forgiving Technical Liabilities of Government Employees*

THEFTS of money, food stamps, or revenue stamps from responsible custodians were involved in seven private acts. Sixteen private acts (three being omnibus measures applying to several individuals) cancelled the liability of disbursing or certifying officers for disbursements that turned out to be technically illegal under the maze of applicable statutes. Sixteen private acts (including 14 also classed as Type 1 because the money had already been recovered by the Treasury and was to be reissued) arose from the fact that a government employee is liable to refund any compensation paid to him in contravention of law, whether because his appointment was illegal or because he was paid at a higher rate than that permitted by statute. Of this same nature, but defining a situation without naming the beneficiaries, was one public law, "An act to remit claims of the United States on account of overpayments to part-time charwomen in the Bureau of Engraving and Printing, and for other purposes" (Public Law 230). Another public act forgave amounts held invalid as dual compensation paid to postal employees who were also in military service.

Cases of technical irregularities in disbursements are necessarily numerous under the detailed statutes governing business transactions of the government. Not only are the annual appropriation acts highly involved, with many provisos and qualifications, but there also tends to accumulate a miscellany of specific permanent provisions enacted in various statutes relating to the operation of particular agencies. To rein-

[1] These provisions (31 U.S.C. § 218), originally enacted in 1885 and subsequently frequently amended, have now been replaced by the materially broader provisions of Public Law 67, 79th Congress, enacted in 1945. Public Law 277, 79th Congress (1945), gives the same powers to the Navy Department.

force these limitations as regards personnel, the United States Code fairly stutters about the positive necessity that every position be authorized by preexisting law (5 U.S.C. §§ 45, 46, 47, 52). No money may be paid for the services of a person whose appointment was not so authorized, and there is even a criminal penalty for illegally employing persons in the public service.

Several of the private acts could have been avoided merely by permitting retroactive appointments in cases where the original appointments (as in the cases of certain United States commissioners attached to the District Courts) were delayed or erroneously dated.

Disbursing officers may be relieved of liability for lost funds or vouchers by judgment of the Court of Claims (28 U.S.C. § 250).[1] There is no reason why a similar jurisdiction should not extend to disallowed payments when the illegality is technical and to persons other than disbursing officers who incur liabilities of the sorts here discussed. Perhaps, since the waiving of strict legal claims is involved, an administrative authority rather than a court would be a more suitable repository of this discretion. Governmental claims on individual employees for excess compensation paid to them in circumstances not involving fraud should be totally outlawed as an absurd extension of the privileged position perhaps properly assumed by the government in more important business dealings.

The above suggestions presume the retention of the present complex and technical legal regime in relation to government business transactions and disbursements. The author believes, however, that the forms of business transactions in an integrated administrative organization should not in general be controlled by mandatory legislation giving rise to questions of *vires* enforceable to the detriment of innocent parties but only by methods of political responsibility. Fraudulent payments should give the government a right of action (for whatever it may be worth) against the responsible parties, but technical questions of the availability of funds should not give rise to adjudicable questions. Much could be accomplished along this line merely by removing the preauditing function from the independent General Accounting Office, where it is necessarily handled quasi-judicially, to the Treasury Department, as suggested by the President's Committee on Administrative Management.[2] Discretion in matters of grace as to lost funds or vouchers in an organization of the size of the federal administration ought not to be more remote than the department heads (subject perhaps to higher approval in cases where very large sums are involved).

### *Type 3. Alienation of Government Real Estate*

One private act took the form of a quit-claim deed and was designed to remove an ancient cloud from a piece of church property. In most cases, however, acts for the alienation of governmental real estate are not strictly self-executing nor do they always set forth the exact metes and bounds to be included in the deeds which they authorize. They are, however, specific in character and leave little discretion to the administrator. Included are acts granting rights of way, e.g. for a pipe line.

These acts are another evidence of the limited reception of the doctrine of the royal prerogative, as a result of which there is no executive authority generally competent to act as the legal representative of the state. While many limited and defined authorizations to alienate property are found in the general laws, they are probably insufficient in certain areas as, for

[1] Administrative relief of this sort for Army disbursing officers and for postmasters is provided by Public Law 476, 78th Congress (1944) and Public Law 251, 79th Congress (1945), respectively.

[2] *Administrative Management in the Government of the United States* (Government Printing Office, 1937), pp. 21-25.

instance, the frequent minor adjustments or exchanges that seem to be necessary in, or adjacent to, national forests and similar public reservations. A few special acts of the type here considered would seem unobjectionable, but the number now passed appears to be excessive.

### *Type 4. Waiving Technicalities of Government Employees Compensation Procedures*

THE United States Employees' Compensation Commission has authority to grant compensation "for the disability or death of an employee resulting from a personal injury sustained while in the performance of his duty . . ." (5 U.S.C. § 751). Among the procedural requirements are several relating to time limits for the giving of notice and the filing of the claim by the employee. Each of these special laws waives some of these requirements in a particular case. Further special laws of this type should be made unnecessary by the authorization in 1945 for the Commission itself to waive in appropriate cases the required time limits (Public Law 161, 79th Congress).

### *Type 5. Authorizing Obstructions to Navigable Waters*

CONGRESS deliberately assumed the task of passing special legislation authorizing obstructions to navigable waters. "It shall not be lawful to construct or commence the construction of any bridge, dam, dike, or causeway over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained . . ." (33 U.S.C. § 401). "The creation of any obstruction not affirmatively authorized by Congress to the navigable capacity of any of the waters of the United States is hereby prohibited . . ." (33 U.S.C. § 303). Limited exceptions, with respect to which authorization by the War Department was sufficient, were provided for harbor works and for works on rivers navigable only within one state. This policy dated from 1899 (30 Stat. 1151).

It is difficult to see why discretion in all cases was not earlier delegated to the War Department as suggested by President Roosevelt in his message dealing with petty business in Congress.[1] This delegation has now been accomplished by the General Bridge Act, included as Title V in the Legislative Reorganization Act of 1946.

### *Type 6. National Parks, Monuments, Reservations, etc.: Boundaries, etc.*

ALTHOUGH the boundaries of areas of this sort are not identical with those of real estate to which the government has title, fairly specific authorizations to acquire title are usually involved in these acts and they are, therefore, somewhat related to the acts regarding the alienation of real estate classed under Type 3. Measures of this sort would seem in principle to be proper subjects of legislative determination although their number and content suggest that their actual phrasing may be unduly rigid and detailed.

### *Type 7. Government Contracts: Waiving Technical Rights of the Government or Validating Invalid Contracts*

THESE legislative enactments result from the inability of American administrators in general to do other than insist on the technical legal rights of the government. Where in a given situation such action might be unjust or even uneconomical, special legislation is likely to be required. It would seem that some administrative authority might reasonably be empowered to consent to dispensations of the sort that are likely to be expedient in the affairs of any large organization.

---

[1] 88 *Congressional Record*, 313-14. According to the President more than one hundred special laws of this type were passed by the Seventy-sixth Congress.

### *Type 8. Waiving Requirements of the Immigration Laws*

EACH of these laws gives some individual or group of named individuals a right in derogation of the general laws, such as permission to enter the United States, exemption from deportation, or permission to reside permanently in the United States. Five of the acts waive the racial requirement for the admission of immigrants. Since 1940 (54 Stat. 671, amended in 1942, 56 Stat. 1044) the Attorney General may in certain defined cases waive the deportation of aliens coming within the deportable classes. Otherwise there is little, if any, administrative discretion to waive the technical requirements of the immigration laws. Some of these special laws may have taken care of really unforeseeable cases of special hardship. That any definite policy was being applied that might suitably be embodied in an amendment to the permanent laws was not apparent.

### *Type 9. Administration of Indian Trust Property*

THESE acts are often very specific dispositions of particular property rights. They are, however, somewhat varied in character.

### *Type 10. Ratification of Interstate Compacts*

THESE acts are passed to meet the constitutional requirement of congressional approval of agreements between the states. Since a new and important question of policy could be involved in any such agreement, this seems to be a proper area for legislative determination.

### *Type 11. Transfer of Administrative Jurisdiction over Government Real Estate*

SINCE no real change in the legal status of the property is involved in these transfers, it is difficult to see why administrative authority should not be sufficient to make such changes. Suitable phraseology may be suggested by chapter 3, section 69, of the charter of the city of New York: "The board [of estimate] shall have power with the approval of the mayor to assign to use for any public purposes any city property, for whatsoever purpose originally acquired, which it may find to be no longer required for such purpose and may assign space in any city building to any agency."

### *Type 12. Forgiving or Refunding Forfeited Bail Bonds*

PASSAGE of acts of this type would seem to be a clearly improper use of special legislation. If it is to be public policy to forgive or refund bail in cases where a fugitive is later apprehended (the situation in some if not in all of these cases), a general rule of law ought to be established to cover the matter.

### *Fields of Special Legislation in Canada*

THE 7 special public general acts and the 220 local and private acts of the 4th and 5th sessions of the 19th Canadian Parliament, 1943-1944, shown above as special laws, constitute the Canadian sample. Only two frequently recurring types occur (Table 2).

Only 2 acts that might be considered to involve important questions of policy occurred among the acts shown as unclassified in Table 2: an act to repeal the Japanese Treaty Act, 1913 (c.27, which gave the force of law in Canada to a treaty with Japan), and an act to confirm an agreement between the dominion government and a province relating to minerals on Indian lands. Two acts appointing auditors for the Canadian National Railways might be considered to relate to business of the legislative branch. The other 4 unclassified acts involved relatively minor administrative matters.

No local laws occurred in the Canadian sample. The Canadian Parliament (like the United States Congress in relation to the

TABLE 2. FREQUENTLY RECURRING TYPES OF CANADIAN SPECIAL LEGISLATION

| | Special Laws | | |
|---|---|---|---|
| | Total | Public General | Local and Private |
| Total laws | 227 | 7 | 220 |
| Unclassified | 8 | 7 | 1 |
| Classified into types | 219 | 0 | 219 |
| *Type:* | | | |
| 1. Divorce acts | 203 | 0 | 203 |
| 2. Private corporation charter acts | 16 | 0 | 16 |

states) has no jurisdiction over municipal institutions in the provinces. No local acts were passed for the territories.

The distribution of Canadian special laws among the functional classes used for United States special laws is as follows:

| *Class* | *Number* |
|---|---|
| I. Important political decisions, special in form, and business of the legislative branch: | |
| Unclassified laws | 4 |
| II. Specific decisions about government property: | |
| Unclassified laws | 1 |
| III. Waivers of technical rights of the government in its business dealings | 0 |
| IV. Dispensations from the general laws for the benefit of individuals: | |
| Type 1, plus 1 unclassified law | 204 |
| V. Miscellaneous decisions, mainly administrative in nature: | |
| Type 2, plus 2 unclassified laws | 18 |
| Total | 227 |

As in the case of the United States Congress, the Canadian Parliament shows a strong tendency toward special acts not involving broad questions of policy. Practically all of these special acts, however, consist of one type, the private divorce acts.

### *Type 1. Divorce Acts*

EACH of these acts recites that adultery has been proved, dissolves the marriage, and permits the innocent party to marry again. In all but 4 cases one or both parties resided in Quebec. The other cases related to residents of Prince Edward Island. Provision for court jurisdiction in divorce cases appears to be lacking in these provinces (R.S. 1927, c.105).

Although power over marriage and divorce belongs to the dominion government, a complication may arise from the fact that courts are normally established by provincial legislation. In most cases, however, the dominion government appoints the judges and pays their salaries. Permanent divorce legislation has been entirely regional.

### *Type 2. Private Corporation Charter Acts*

FIVE of these acts related to religious organizations, 3 to other nonprofit organizations, and 8 to commerical companies.

### *Absence of Private Claims Legislation*

THE absence of private claims acts of the United States type reflects a wider liability to suit and probably a wider administrative discretion in settling claims. The Exchequer Court of Canada is somewhat analogous to a combination of the United States Courts of Claims and of Customs and Patent Appeals. Canada uses the common law procedure of the "petition of right," under which the executive may consent to suits in contractual and property matters (R.S. 1927, c.158).[1] In addition, the Exchequer Court has for some time had jurisdiction over claims for compensation for expropriations, for the injurious effects on private property of the construction of public works, and for deaths, personal injuries, and property loss or damage caused by the negligence of officers or servants on government-owned railways (R.S. 1927, c.34, s.18, 19). A more general jurisdiction formerly was phrased "any death or injury to the person or to property resulting from the negligence of any officer or servant of the Crown while acting within the scope of his duties or employment *upon any public work*" (R.S. 1927, c.34, s.19, italics added). The deletion of the italicized phrase by amendment in 1938 (c.28) and the

[1] *Halsbury's Laws of England*, 2d ed., Hailsham, editor, v. 6 (Butterworth & Co. Ltd., 1932), p. 487.

classification, retroactive to June 24, 1938, of members of the armed forces as "servants of the Crown" for the purposes of this section (1943-1944, c.25) seem to leave the dominion government completely liable to suits for torts arising out of the negligence of its agents.

### *British Special Legislation*

THE British sample available in full text was insufficient to justify tabular numerical statement. British special legislation other than local legislation is extremely rare. Besides the single special act found in the public general statutes for 1943 and the 1 discovered in the titles of the 1944 acts, a search of the table of contents of the public general acts for 1940, 1941, and 1942 led to the discovery of 6 other special laws or a total of 8 special laws passed as public general acts during five years, in contrast with 133[1] special acts passed as public laws by Congress in two years.

Judged by their titles, 30 of the 36 local and private acts passed in 1943 and 1944 were local acts. Five related to the charters of companies or other private organizations. One was for the confirmation of invalid marriages.[2]

All the special public general acts except an indemnity act would fall in the functional class "important political decisions, special in form, and business of the legislative branch," used in analyzing United States and Canadian legislation. The indemnity act alone would fall in the functional class, "dispensations from the general laws for the benefit of individuals." All the local and private acts would seem to fall into the functional class "miscellaneous decisions, mainly administrative in nature."

Really private acts (other than the charter acts for private corporations, which in British usage are "local" acts) are practically obsolete in Great Britain. The most recent example revealed in a search of the Journals of the House of Lords for the oblique form of the royal assent used only for private acts (*Soit fait comme il est désiré*) was an estate act approved July 28, 1933.

As is the case in Canada, private claims acts are not passed by the British Parliament. This is in part due to the suability of the Crown with executive consent in contractual and property matters under the "petition of right" procedure. Such suits, however, may not embrace tort cases and cases based on the doctrine of employer's liability.[3] There are presumably powers of discretionary administrative settlement for such cases, since it is unlikely that the British state, alone among major modern governments, can in practice adhere consistently to the doctrine of governmental immunity in tort.

### *An Evaluation of Special Legislation*

IT would appear unwise to seek to eliminate special legislation completely. Such elimination has been attempted by constitutional provisions of more or less sweeping character in many of the states. The problem of definition gives a character of unreality to these attempts and encourages ingenious subterfuges. Legislation ranges by inappreciable gradations from the obviously general provisions of the criminal code to such specific measures as the self-executing statute having the form of a quit-claim deed mentioned above. Some important political decisions necessarily, or at least conveniently, take specific form. Moreover, it seems that a legislature ought to have the power to correct its mistakes by appropriate dispensing legislation in cases of obvious injustice to individuals. In the field of criminal law the executive pardoning power meets this need, but only

[1] Excluding 13 local acts which would have been included in the "local and private" acts under British usage.

[2] Judged by the text of a bill of an earlier session, this recurring act has the effect of validating all marriages performed within certain dates at specified chapels that were not properly licensed.

[3] *Halsbury's Laws of England, loc. cit.*

an unlimited dispensing power, appropriately lodged only in a representative assembly, could cover all possible contingencies in other fields of public law.

Although on rare occasions special statutes may with propriety be passed by a legislative body, large numbers of such laws, especially if belonging to definite, frequently recurring types, indicate a serious departure from good practice. Either recurring special bills of a given type are passed or rejected on the basis of caprice or influence, or the legislature through committees or otherwise is attempting to apply general principles to concrete situations. For the latter purpose the anonymity of a large legislative assembly is singularly unsuitable.[1]

It is admitted that legislative bodies handling special business nowadays frequently use careful methods of committee investigation. The handling of "private" (mainly local) bills in the British Parliament is highly formalized and the decision of a small impartial committee, which hears the petitioners and their opponents through attorneys, normally settles the fate in each house of such a bill.[2] Canadian private divorce legislation likewise is based largely upon the work of a quasi-judicial committee of the Senate.[3] The committees on claims in the United States Congress are said to "perform their work conscientiously and thoroughly" and to "transact their business in a systematic quasi-judicial manner."[4]

But even though the best possible procedural safeguards are presumed to exist, if a special bill is not in fact of an exceptional nature some agency other than the legislature can more responsibly decide the question involved. If a principle is supposedly being followed it ought to be stated in general legislation and its application ought to be assigned to an administrative or judicial agency that will be legally bound to apply the general rule. If, in fact, no principle is being followed, recurring special legislation of a given type is indefensible. No one presumes that a legislature as a whole pays any attention to the majority of special bills. In the relative anonymity of a committee room a principle *may* be followed, a rule *may* be applied, but the resulting special acts are legislation and it is all too evident that a legislature need not be governed by preestablished principles if it chooses to act otherwise.

Legislative assemblies are made up of political representatives. These representatives are chosen for their views, and judged by their conduct, on broad political issues. The action of legislators in defining rules of public policy is responsible action. In the *application* of such rules they are operating in a field in which they cannot be called to account. Action under such circumstances is not responsible action.

An exact application in practice of a rigid doctrine of separation of powers is neither practical nor desirable, but generality of content may nevertheless be held up as a normal standard of good legislative practice. When a legislature ventures to make a specific determination, the establishment of policy should in fact be involved. Only in cases of obvious injustice should it make *ad hoc* exceptions for individuals from established policy. Only by following these principles can the conduct of political representatives be responsible conduct. The great majority of special acts examined in this study do not meet these standards.

---

[1] "There ought to be no private business before Congress. . . . It is judicial business, and legislative assemblies ought to have nothing to do with it. One half of the time of Congress is consumed by it, and there is no common rule of justice for any two of the cases decided. A deliberative assembly is the worst of all tribunals for the administration of justice." John Quincy Adams in his diary, February 23, 1832, quoted by Holtzoff, *op. cit.*, p. 312.

[2] See R. K. Gooch, *The Government of England* (D. Van Nostrand Co. Inc., 1937), pp. 183-85.

[3] H. McD. Clokie, *Canadian Government and Politics* (Longmans, Green & Co., 1944), pp. 120-21.

[4] Holtzoff, *op. cit.*, p. 323.

# The Statutory Obligations of the President: Executive Necessity and Administrative Burden

By C. DWIGHT WALDO

*Assistant Professor of Political Science, University of California*

and WILLIAM PINCUS

*Division of Administrative Management, U. S. Bureau of the Budget*

STUDIES of the organization of the executive branch of the federal government, beginning with the *Report of the President's Committee on Administrative Management* in 1937, have become increasingly concerned with the organization and management of the Presidency. Much remains to be done, however, in the way of probing beyond the institutional formalities of the Executive Office of the President into the day-to-day working operations of the President if a really satisfactory basis is to be found for assisting the President to discharge his manifold duties and functions. Various recent publications[1] have called attention to the need for further research and thought on the organization of the Presidency. Perhaps it is inevitable, in view of the eminence of the office and the highly charged political atmosphere in which it operates, that there should be much about it that must remain a mystery, unknown except to those who are unable or unconcerned to report the facts. But certainly the lack of information on the working operations of the Presidency is a startling fact to one seeking information on any aspect of the office not covered by newspaper or court reporting. These data are presented to fill one small gap in the literature on the presidential office available to the general student of government and administration.[2]

[1] For example, William Anderson, "Report of the Committee on Public Administration of the Social Science Research Council, 1934-1945," in William Anderson and John M. Gaus, *Research in Public Administration* (Public Administration Service, 1945), pp. 111-12; and Marshall E. Dimock, "Administrative Efficiency within a Democratic Polity," in *New Horizons in Public Administration* (University of Alabama Press, 1945), pp. 37-38.

The causes of the earlier lack of inquiry into the day-to-day working operations of the Presidency still seem to be endowed, however, with enough inertial effectiveness to keep the attention of the students of the Presidency largely focused on the periphery of the President's business, i.e., the broadest common denominator of presidential experience as evidenced by such things as constitutional provisions and important newsworthy events. The peculiar personal position of the Presidency in our constitutional system, both as a result of law and of custom, is probably the root cause of the failure adequately to investigate the organizational requirements for the most effective discharge of the functions and duties of the Chief Executive. Perhaps this factor above all, the wide differences in what presidential incumbents have made of the office, is responsible for the failure of early students of executive organization to consider what common problems Presidents have faced in transacting their daily business. The apparent failure to appreciate the tremendously rapid increase, in scope and number, of these problems also has contributed to the lack of consideration of the day-to-day tools each Chief Executive might find useful in his conduct of the office. Finally, it is doubtless easier to think in specific and tangible terms of the functions and activities of the bureaus and departments as they directly affect citizens' lives rather than in terms of how the President spends his working day in order to comply with the multitudinous requirements imposed upon him by his office.

[2] These data were gathered in connection with a study being conducted by the United States Bureau of the Budget, aimed at reducing the burden of the President's routine work. Figures given are in round numbers and are approximations only; continual changes—new legislation and departmental and agency actions—make exact computations for any particular time impossible.

## I

APPROXIMATELY eleven hundred sections of the *United States Code* impose one or more "obligations"[1] upon the President. Many of these obligations are of no consequence, however, in any estimate of the present or future work load of the President. A considerable number of the obligations are obsolete and probably could be repealed—for example, the authority to "prescribe and establish" rosettes or knots and ribbons for Civil War medal-of-honor men. Others are in effect dead letters; they grant an authority which it was never necessary or appropriate to exercise or else have been superseded by more recent and more ample authority. In the latter group falls the authority to suspend importation of adulterated articles, included in the Food and Drugs Act of 1906, an authority which was not exercised and which has been rendered completely meaningless by the imports and exports section of the Food, Drug, and Cosmetic Act of 1938. Still others contain an obligation that has been executed—thus, 48 U.S.C. 1381, in which the President is "authorized and directed" to set aside Barro Colorado Island in Gatun Lake as a biological preserve. The number of presidential obligations in these three categories probably reaches three hundred.

The eight hundred "active" obligations in turn are reducible by those the performance of which has been delegated (formally or informally)[2] to other officers of the government—more than half. This leaves as a minimum, however, at least three hundred provisions of law imposing obligations that the President must currently meet. These presidential obligations range from the very picayune, such as the proclamation of Pan-American Aviation Day, to the very important, such as the appointment of department heads or the making of trade agreements. Some obligations impose duties the burden of which is negligible—as authorizing and directing at five-year intervals the publication of a codification of agencies' documents having general applicability and legal effect. Other obligations impose rather heavy chores—as approving approximately forty letters a year transmitting nominations for first-, second-, and third-class postmasterships.

The working time of the President given to matters that require his attention by specific statute is relatively small. It is small, that is to say, when compared to the total time given to talking to subordinates, conferring with party members, performing ceremonial functions, and so forth. (To an extent, of course, statutory and nonstatutory "obligations" overlap. The President's role as ceremonial head of the nation, for example, is partially formalized in a series of obligations "authorizing and directing" him to proclaim national "days" or "weeks.") Nor do these statutes account, by a long measure, for the total paper work of the President. Apart from the correspondence to which he gives his personal attention, there are obligations imposed by the Constitution itself unimplemented by law (approximately five hundred cases involving the exercise of the pardoning power reach the President's desk each year). There is also a vast and uncharted stream of letters, memoranda, reports, and requests from the various agencies. Still, as a whole, the statutory obligations of the President represent a substantial amount of work; and much of this work, by any rule of reason, should not be on the desk of the President of the United States in the middle of the twentieth century.

The President's task of reviewing routine documents, even when no more is required than reading the brief covering memorandum and signing his name, should not be belittled. It is one of the peculiarities of the office that, excepting mechanical reproductions of the President's signature on form

[1] "Obligation" is used here to include any duty, power, authority, function, or discretion vested in the President by law.

[2] See note 2, p. 344.

documents and the signature of land patents in the President's name in the General Land Office (authorized by statute), what is represented as the President's signature is his personal sign manual. President Taft in his essay on *The Presidency* commented upon the arduous "manual duty" of signing his name, saying it took a "substantial part of each business day." There is no reason to believe that the task is less arduous than it was before World War I.

The statutory obligations of the President are a legal drift deposited in the White House by the winds of chance in the course of more than a century and a half. Some are as old as the first year of the Republic, others as recent as the last session of Congress. So far as the authors are aware, no thought has been given by Congress to the total pattern of presidential obligations. Nor has the importance of any particular obligation in relation to other duties of the presidential office been carefully weighed. Although it is being gradually abandoned, there is still evident in many instances a tendency on the part of framers of legislation to follow old patterns of statutory construction by vesting in the President functions similar to those vested in him by statute in the past. While there appears to have been no conscious attempt to relate the President's statutory obligations to the total role of the Chief Executive, still an analysis of the distribution and character of the obligations reveals a certain historical, constitutional, and political logic.

More than two-thirds of the total number of obligations are accounted for by matters pertaining to the ten departments; and of this total of two-thirds, approximately three-fourths are accounted for by five departments: State, War, Navy, Treasury, and Interior. For this pattern of distribution there are some obvious reasons. One is chronology. A very large number of presidential obligations in the older departments date from an early period, when the functions of the government were much simpler and the President's duties much less onerous. In the younger days of the Republic the prestige of the Presidency was apparently utilized for establishing some of the basic federal functions. The Presidency was developing as the symbol of nationhood. As a result, the older statutes dealing with the first federal activities, such as the collection of the revenues and the raising and governing of armies, impose administrative duties upon the President which today are generally recognized as being properly the direct responsibility of officers subordinate to the President. Thus, under old statutes the President must lay out customs and internal revenue districts. More recent legislation evidences a clear tendency to regard the President less and less as an official with direct operating responsibilities. For example, the President is not required to lay out districts for the administration of old-age and survivors insurance, price control, or agricultural credit.

Another reason for the heavy concentration of presidential obligations in the area of governmental functions covered by the departments, particularly the five departments listed above, is the constitutional basis of presidential power. The range of governmental activities in these five departments includes the major part of the government's functions respecting foreign relations and national defense, for both of which the President has special constitutional responsibilities. Two facts concerning the President's functions in these two areas are significant. First, in spite of the recent trend toward international organization, the management of these two areas has become more complex than ever from the point of view of the Chief Executive. The plans, programs, and activities of each of the three principal departments involved—State, War, and Navy—are integral parts of American foreign policy which must be welded together. Second, the emergence of the United States as one of the principal world powers, its assumption of a new and

more positive role in world affairs, combined with the trend toward international organization have made the President's duties in these areas more onerous than ever. As the Supreme Court has succinctly stated the case—in the conduct of international relations the President is the sole organ of the federal government.[1]

Emergency powers of the government for use in times of stress emphasize presidential authority. The term "emergency" here comprehends both war or threat of war and great economic crisis. Such periods of history place a premium on the necessity for unified and immediate action. In addition, these functions are of the kind which impinge on the lives and activities of the people beyond the extent to which our government of limited powers ordinarily goes. While in "normal" times the Congress tends to consider the executive branch as dispersive and fractionated and to "supervise" administration to insure that it remains so, in times of emergency the constitutional mandate that "the Executive power shall be vested in a President . . ." is followed most literally. Many of the war statutes imposing obligations upon the President are, of course, directly and indirectly related to his constitutional position as Commander in Chief and are based on the primacy of military considerations. In a sense the entire nation is being mobilized. The fact is, however, that wartime statutes impose a wide range of military and economic responsibilities upon the President, from government of the armed forces and conscription of manpower to seizure of productive facilities. During the economic depression of the thirties not only did substantive legislation impose many obligations upon the President but, in addition, Congress voted many "blank check" appropriations to the President. This extraordinary pattern of appropriations reached its culmination in the President's emergency fund. The factors which give rise to such emergency legislation make it necessary to add to the presidential burden, and as the tide of emergency factors recedes there is always a residue of obligations which no longer warrant the personal attention of the President but which persist in reaching the President's desk.

In contrast to the heavy concentration of presidential obligations in connection with the constitutional and older functions of the government and with emergency powers, there is a conspicuous absence of such obligations in the newer service and regulatory activities.[2] This seems to be true whether the administrative mechanism is a department such as Agriculture, Labor, or Commerce, an agency such as the Federal Works Agency or Federal Security Agency, or any of the numerous independent establishments wielding quasi-legislative and quasi-judicial powers. Here the tendency of Congress has been to vest the functions directly in the head of the administrative body.[3]

[1] *U. S.* v. *Curtiss-Wright Export Corp. et. al.* 299 U. S. 304, 319 (1936). "Not only is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He *makes* treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiations the Senate cannot intrude; and Congress itself is powerless to invade it." It is interesting, however, that for political reasons this statement of the court has been qualified in recent practice by the participation of senatorial representatives in international negotiations.

[2] The statutory obligations of the President as a whole undoubtedly reflect the views of Congress of the proper role of the President, both in implementation or elaboration of his special constitutional functions and in paucity of special duties or authorities in the case of the government's service and regulatory activities. In this connection it may be noted that the statutory obligations of the President (although they contain a rather large number of old provisions designed to give the President adequate law-enforcing powers, such as the "right" to employ the armed forces to aid in the execution of judicial processes) strongly emphasize that the conception Congress has of the Presidency is far removed from strong-executive philosophy either as expressed in historical writings (such as the opinion of Caleb Cushing, quoted below) or as set forth in such recent documents as the *Report of the President's Committee on Administrative Management.*

[3] The fact that certain functions are quasi-legislative

Another significant aspect of the pattern of distribution of statutory obligations is the heavy concentration of obligations respecting administrative bodies in the nature of commissioned corps. The expansion of the western frontier to the Pacific Coast across comparatively uninhabited and sometimes hostile country was conducive in many instances, even under a republican form of government, to the mixture of military and civil functions. Many of these governmental functions have long since been separated from the military branches of the government and established as regular civil functions. In some few cases, however, civil functions, although distinctly separate from the military departments, still give evidence of the basic role the military sciences have played in the evolution of government. The military legacy of status and tradition is still utilized in connection with the administration of certain federal civil functions in the form of commissioned corps of various kinds. The President's special constitutional responsibility for the military departments already has been mentioned, and the concentrations of "corps" obligations are most obvious, of course, in the case of the regular armed forces. But there are also heavy concentrations in the case of the Coast Guard, the Public Health Service, the Foreign Service, and even the Coast and Geodetic Survey. Where corps spirit and tradition are strong, there is present a desire to be close to the President, a desire to which Congress has yielded in making the President responsible in name for a multiplicity of corps matters—many, such as prescribing the details of uniform and insignia, comparatively unimportant.

A final note should be added here about a category of presidential obligations which bears directly upon the organization and staffing of the Presidency. These are the functions which mainly involve problems of interdepartmental coordination. They are in many instances administrative matters which do not merit the personal attention of the President in these times, but they reach his desk for two reasons. First, the President is required to act in order to ratify the actions of his staff in the Executive Office which performs the coordinating function for him. Second, in many cases, while the Congress may be aware of the fact that certain matters should be "self-adjusting," the lack of an adequate development and recognition of interdepartmental machinery leads the Congress to place some functions involving more than one agency in the President.[1] While these matters intrinsically may not merit the personal action of the President, it is questionable whether the nature of the American governmental system permits the invention of machinery adequate to relieve the President of these obligations.

## II

OCCASIONALLY statutes imposing obligations on the President contain a provision authorizing him to delegate such obligations;[2] and in the case of some departments there is a general provision of law enjoining the secretary to "perform such duties" or "execute such orders" as the President may direct respecting the department's business,[3] which might be construed

or quasi-judicial has, of course, had an important bearing in many cases on the vesting of powers in independent agencies. Such functions, however, have been vested in particular clientele departments or agencies because of special political reasons, e.g., the Department of Agriculture. Thus, the tendency to vest functions in the heads of agencies in the case of service and regulatory activities is reinforced by special economic and political considerations.

[1] Thus, the President is required to prescribe regulations governing rental allowances for commissioned officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service. He is required to take similar action for quarters and subsistence allowances for enlisted men of the same services. There are other similar requirements.

[2] Thus, the National Industrial Recovery Act of 1933, with respect to the powers given the President in connection with the Federal Emergency Administration of Public Works: "The President may delegate any of his functions and powers under this chapter to such officers, agents, and employees as he may designate or appoint." 40 U.S.C. 401.

[3] 5 U.S.C. 156 (State), 190 (War), 412 (Navy).

as broad authorizations to delegate. Even in the absence of specific statutory permission to delegate authority, however, the President's authority to do so, as sustained by legal decision, is broad. It has been held limited, however, in one instance—involving a "judicial" function; and some questions of delegation in the absence of express authority have not yet been explored in the courts.

The legal problems involved are most understandingly viewed in the light of a general problem of administrative theory or policy; namely, is administrative authority properly and most effectively organized on hierarchical, pyramidal lines and, if so, how is this policy best implemented? Should the President's subordinates be vested with discretion that he cannot control? Are those so vested his "subordinates," or are they agents of Congress? In the interest of simplicity and flexibility should all authority be vested in the President with full authority to delegate? Or would this create "apoplexy at the center, anemia in the extremities?" Such questions have been taken out of the realm of pure theory, to be sure, by the course of constitutional development. But they cannot be dissociated from judgments as to desirable constitutional development. Questions of administrative expediency, in fact, have weighed heavily in court decisions upholding the President's authority to delegate.

The problem of the organization of executive authority was ably discussed from both the legal and the administrative points of view by Caleb Cushing in 1855, in his opinion as Attorney General on "Relation of the President to the Executive Departments." As to whether statutes should assign functions to the President or to department heads, there is, he wrote, no "constitutional or legal distinction between the authority of the respective acts, all of them being of things which, on the one hand, the President may, if he please, delegate to a Head of Department, and which, on the other hand, cannot be done by a Head of Department without direction of the President."[1]

> I hold that no Head of Department can lawfully perform an *official* act against the will of the President; and that will is by the Constitution to govern the performance of all such acts. If it were not thus, Congress might by statute so divide and transfer the executive power as utterly to subvert the Government, and to change it into a parliamentary despotism, like that of Venice or Great Britain, with a nominal executive chief utterly powerless,—whether under the name of Doge, or King, or President, would be then of little account, so far as regards the question of the maintenance of the Constitution.[2]

Mr. Cushing's summary of the law, namely, "that in general when Congress speaks of acts to be performed by the President, it means by executive authority of the President," is as valid today as when written. But subsequent legal developments have served to underline the phrase "in general"[3]; for, despite an enormous growth of executive power, the concurrent growth of "independent" agencies has undercut Mr. Cushing's argument as to the relation between the President and his executive subordinates and has in the opinion of many tended to create a "parliamentary despotism" or at least a "headless fourth branch."

Court decisions upholding the authority of the President to delegate apparently have involved only delegations to heads of departments, and have left questions of delegation to the heads of independent agencies or his own official aides and assistants undecided. The leading cases involve the military establishments or the conduct of foreign affairs, and the judges emphasize the special position of the heads of departments as his constitutionally authorized agents,[4] as well as the special constitutional

[1] 7 *Op. Attys. Gen.* 466. This lengthy opinion summarizes the court decisions to that date.

[2] *Ibid.*, pp. 469-70.

[3] Particularly the *Humphrey's* case in 1935 (295 U. S. 602).

[4] *Wilcox* v. *Jackson*, 13 Pet. 498, 512 (U. S. 1839); *Wolsey v. Chapman*, 101 U. S. 755 (1879); *United States*

functions of the President in these fields and the "executive" nature of the authority involved.[1] In some of the cases cognizance is taken of the provisions, noted above, authorizing and directing the Secretaries of the State, War, and Navy departments to execute the orders of the President relating to their respective fields, but no special significance is accorded these provisions in reaching the decisions.[2] Rather, the basic consideration appears to be the commonsense observation that the President cannot personally do or superintend everything in the executive branch, and that it was not the intent of the Constitution or the laws that he should do so.[3] Laws placing obligations upon him should therefore be construed, in the absence of clear intent to the contrary, as placing these obligations upon his office, not his person.

Apparently, in only one case has an obligation of the President been held nondelegable. In this case, *Runkle* v. *United States,* the Supreme Court refused to sustain a sentence of a court-martial approved by the Secretary of War which nowhere referred to personal action by the President, holding the statute's requirement of the President's approval to be the requirement of his personal approval. In the view of the court the effect of the statute was to make the President essentially a member of the court-martial. The court asserted that

> . . . the action required of the President is judicial in its character, not administrative. As Commander-in-Chief of the Army he has been made by law the person whose duty it is to review the proceedings of courts-martial in cases of this kind. This implies that he is himself to consider the proceedings laid before him and decide personally whether they ought to be carried into effect. Such a power he cannot delegate. His personal judgment is required, as much so as it would have been in passing on the case, if he had been one of the members of the court-martial itself.[4]

The *Runkle* case has been said to establish the rule that judicial powers conferred upon the President are not delegable. But this is not the true significance of the case; powers essentially judicial have since been held delegable.[5] The significance of the *Runkle* case lies rather in the fact that a court may, weighing a particular obligation and scrutinizing the probable intent of the statute, find reason to deviate from its broad rule of delegability. Both the broad rule and a warning that there will, in the discretion of the court, be exceptions, are set

---

v. *Eliason,* 16 Pet. 291, 299 (U. S. 1842). The general theory is well stated by Cushing: "I trust enough has been said . . . to establish the general position, that, in their executive acts, instructions, and orders, the Heads of Departments speak for and in the authority of the President; that, if the act be within the lawful jurisdiction of such Head of Department, the direction of the President is presumed in law; that, whether to name the President or not, in a departmental order, becomes, in most cases, a matter of discretion, judgment, or taste, according to the subject-matter; that, if he be named, it is for emphasis or enforcement, rather than from necessity; that, whether he be named or not, the act or order is to have legal effect as, by construction, the act or order of the supreme executive authority, civil and military, of the United States." *Op. cit.,* p. 479. In accordance with this general theory, the courts have held that there does not need to be documentary evidence of delegation of a presidential obligation to a department head. See *Roxford Knitting Co.* v. *Moore & Tierney, Inc.* 265 Fed. 177 (C.C.A. 2d., 1920), cert. den. 253 U. S. 498 (1920); *In re Brodie,* 128 Fed. 665 (C.C.A. 8th, 1904). By long-established usage a large number of presidential obligations pertaining to the older departments are exercised by the department heads in the name of the President without a record of formal delegation.

[1] See *Jones* v. *United States,* 137 U. S. 202, 217 (1890). It may be noted here that the distinction between "discretionary" and "ministerial" duties has played no part in the decisions. Some of the obligations that have been delegated are undoubtedly discretionary.

[2] But see *Weeks* v. *United States ex rel. Creary* 277 Fed. 594, 598 (1922), aff'd. *United States ex rel. Creary* v. *Weeks,* 259 U. S. 336 (1922).

[3] *Williams* v. *United States,* 1 How. 290, 297 (U. S. 1840). "The President cannot, in physical sense by his own mind determine both in principle and in detail, and in his own person perform, all the vast multiplicity of matters involved in the administration of the Government of the United States. . . . He cannot in person communicate the executive will, except to a very limited number of the public officers, civil or military. He cannot even, by his own signature, make attestation to but a small proportion of the acts, civil or military performed by his authority as the executive chief of the Government." Cushing, *op. cit.,* pp. 479-80.

[4] 122 U. S. 543, 557 (1887).

[5] See *United States* v. *McIntosh,* 2 F. Supp. 244 (1932), appl. dis. 70 F. (2d) 507 (1934), cert. den. 293 U. S. 586 (1934), holding delegable authority to determine just compensation for land taken for a naval post.

forth in a *dictum* in the case of *McElrath* v. *United States:*

> These propositions open up a very broad field of inquiry as to what exceptions there are to the general rule that the direction of the President is to be presumed in all instructions and orders issuing from the proper department concerning executive business, notwithstanding they may contain no express statement of any direction from him as to the matters to which such instructions or orders refer. There are, undoubtedly, official acts which the Constitution and laws require to be performed by the President personally, and the performance of which may not be delegated to heads of departments, or to other officers in the executive branch of the government. It is equally true that, as to the vast multiplicity of matters involved in the administration of the executive business of the government, it is physically impossible for the President to give them his personal supervision. Of necessity he must, as to such matters, discharge his duty through the instrumentality or by the agency of others. Whether a particular act belongs to one or the other of these classes may sometimes be very difficult to determine. . . .[1]

One example of a nondelegable statutory obligation comes readily to mind—appointments by and with the advice and consent of the Senate.[2] Others are less obvious but are deducible from the pattern of authority set up by statute in certain cases. The Public Health Service Act of 1944 is a case in point. This statute, which imposes thirty obligations upon the President, establishes a complex pattern of authority. Some obligations are imposed upon the President alone, some upon the federal security administrator alone, some upon the surgeon general alone. In addition, the surgeon general is instructed to take some actions "with the approval of the President," others "with approval of the Administrator." One would presume, studying the pattern of the statute and finding no authority for presidential delegation, that the intent of the statute would be subverted by a broad presidential delegation either to the surgeon general or to the administrator.[3] A similar problem arises in the case of actions of independent establishments that the President is obligated to approve. The President, for example, is required to approve contracts for the purchase of land by the National Capital Park and Planning Commission. Comparatively, this is certainly a minor function for the President of the United States. But even if it should be decided that the commission's land transactions need no review by anyone, it would appear that a review of some kind is the intent of the statute.

## III

ONE possible method by which the President may be relieved of obligations which he may wish to delegate but cannot delegate by executive order[4] is by reorganization plan under the Reorganization Act of 1945. This act permits the President to lay before Congress plans to abolish or transfer the functions of any "agency,"

[1] 102 U. S. 426, 436 (1880). For a more detailed discussion of the legal aspects of the problem see the excellent article "Subdelegation of Administrative Authority," by Nathan D. Grundstein, 13 *George Washington Law Review* 144-196, (1945). Mr. Grundstein's article discusses the problem at lower levels of authority also.

[2] Perhaps likewise appointments vested, in accordance with the language of the Constitution, "in the President alone." On the other hand, it may be noted that statutory instruction to the President to act by executive order or proclamation has not always been construed to require action by the President in a serially numbered order or proclamation. For example, the President's authority with respect to grades and ratings of enlisted men in the Army, which he is directed to exercise "by Executive order" (10 U.S.C. 604), is in fact exercised for him by the War Department.

[3] The legal patterns established in many cases of this kind are open to question on practical political grounds. In many cases obligations are imposed upon the President simply because of political maneuvers on the part of administrative agencies anxious to establish their independence of anyone in the executive branch except the President. This is true in general of some agencies, but mainly applicable in special, individual cases. The practical effect of such legal situations is to free the administrative agency in such a favored position from immediate supervision and direction since the President affords only over-all and general direction. The tendency to legislation of this kind is strengthened by the participation of Congress in the administrative process through overspecialized committee and subcommittee structure.

[4] The executive order is the formal instrument of delegation through presidential action alone. As in the past, delegations of statutory obligations will undoubtedly also be made by informal means, e.g., presidential letters and instructions to department heads.

which is defined to include "officers" of the government. In other words, if the President is construed to be an "officer" within the meaning of the act, it would appear that until the reorganization authority expires he can if he wishes lay before Congress proposals to abolish or transfer unwanted statutory obligations. This avenue of approach may be useful in the case of presidential functions which should either be abolished or permanently exercised by some officer subordinate to the President.

There are instances, however, when more flexibility in delegation is desirable—where the feasibility of delegation needs to be tested or where delegation should be temporary or effective for specified periods only. To meet these situations another possible avenue of relief lies in legislation broadening the powers of the President to delegate by order. A bill looking in this direction was introduced in the first session of the Seventy-ninth Congress by the late Representative J. W. Ervin—H. R. 3889, "To protect the health and efficiency of the President by permitting the performance for him of certain of his duties by other officers of the Government designated by him." In brief, this bill sought to give the President authority to delegate any obligation conferred upon him by Constitution or law, subject to veto of any particular delegation by a resolution of either House. Representative Ervin's bill would undoubtedly need amendment—as he acknowledged in introducing it—in order to make it a well-designed instrument to accomplish its avowed purpose. Obviously, the President's constitutional duties could not be altered by statute. The bill also failed to recognize the substantial authority to delegate that the President already has, and in its proposed veto of delegations by either House opened the door wide for partisan attacks on presidential administration. But well-considered legislation directed toward Representative Ervin's goal may be found advisable as a forward step in making the President's authority congruent with his twentieth century responsibilities.

The obligations of the President, constitutional, statutory, political, ceremonial, and so forth, constitute a tremendous burden. Even with staff assistance the matters which remain for his personal attention are multitudinous. These matters, statutory obligations among them, are in need of constant study in the light of changing conditions and an increasing presidential work load to insure that the President's desk is not crowded with what has become by virtue of events "routine" business.

# Techniques for Making Committees Effective

By ROBERT L. HUBBELL

*Research and Statistics Division, Economic and Scientific Section, GHQ, SCAP*

PUBLIC interest and discussion since the war have focused to an unusual degree on methods of organization for winning the peace. Three major instances are the consideration given to setting up community programs for veterans, to streamlining Congress, and to starting the United Nations.

Interestingly enough, organizations at all three levels are built around committees. Success in coping with today's urgent local, national, and world problems will depend in large measure upon the workings of an admittedly cumbersome device. Too much is at stake to continue dismissing the subject of committees with quips that they keep minutes and waste hours, or dictums that they violate the principle of unity of command.

An example of fairly effective use of committees is found in the War Production Board, an agency which had about a dozen topside interdepartmental committees besides the Cabinet-level board presided over successively by Donald M. Nelson and Julius A. Krug. In addition, WPB had numerous internal committees and subcommittees. (The term "War Production Board" refers both to the small group of agency heads who determined policy and to the large organization of 23,000 people who administered priorities and so forth. To avoid confusion in this article the full name will be used in referring to the small group and initials will be used for the large organization.)

Some are now citing the experience of WPB to prove that more committees are a good thing—that they are the ideal way to resolve difficulties in clearance and coordination. Here it is merely argued that when committees must exist, they should be made to succeed. One of the factors which contributed to the degree of success attained in WPB was the work of the Office of the Executive Secretary, which this article describes.

## *Evolution of the Secretariat*

THE Office of the Executive Secretary was carried over from predecessor agencies of WPB to serve the War Production Board. The executive secretary reported directly to the chairman of the WPB and the staff of the secretary was part of the chairman's staff. Later, as the office developed under the leadership first of Herbert Emmerich and then of G. Lyle Belsley, who was executive secretary from early 1942 until the end of WPB in November, 1945, it was asked by various boards and committees throughout WPB to provide them with executive secretaries. At one time, staff members of the office served more than twenty committees directly and assisted the secretaries of about fifty subcommittees. It might have been expected that committee chairmen, being human, would tend to gather unto themselves all the activities of their committees. That, instead, they voluntarily handed over much of the responsibility for preparation and follow-up to someone not under their direct control speaks well for the caliber of performance of the executive secretariat.

A better idea of the scope of activities of the secretariat can be gained from the

ducted surveys of the Office of the Executive Secretary. Staff members of the office have used their experience in new positions. Herbert Emmerich has helped set up the new United Nations Educational, Scientific, and Cultural Organization. Jesse Robison moved over to be secretary of the Smaller War Plants Corporation. Roman L. Horne directed the staff serving the Savannah Monetary Conference for the Treasury Department and is now assistant secretary of the International Monetary Fund. Kenneth Vinsel is executive director of the Louisville, Kentucky, community planning program.

Contributions of the Office of the Executive Secretary to effective administration were of two kinds: (1) aiding individual committees to function and (2) assisting committees to coordinate with each other and with operating agencies. Most of the methods described may seem self-evident, but as a matter of fact they are seldom used and almost never have they been completely exploited. Americans, with committee experience from the Boy Scout stage on, too often assume, "Committees—why that's simple—they just meet."

### *Role of a Secretary*

THE stereotype of a secretary is a mousy little individual who huddles in a corner scribbling notes and then writes minutes almost as boring as a verbatim transcript or as uninformative as a diplomatic communiqué. With such a secretary, a committee may easily become a pleasant sewing circle whose recommendations appear after the shooting is over.

The executive secretaries in WPB were effective in seeing that decisions were made and carried out. Minutes were only part of their work, although the minutes were so well done that other agencies sought them for information and as models.

The effectiveness of a secretary, who lacked real authority, depended largely on his personality. Committee members, reflecting roster of major committees, boards, and staffs (as of early 1943) which it served:

1. The War Production Board with responsibility for over-all policy decisions on production and procurement. It was composed almost entirely of agency heads, including the chairmen of the War Production Board and the War Manpower Commission; the secretaries of War, Navy, and Agriculture; the federal loan, price, foreign economic, and petroleum administrators; the director of the Office of Defense Transportation; and the special assistant to the President supervising the defense aid program.

2. A family of six priority committees under the program vice chairman of WPB which made broad allocations among the competing claimant agencies represented on the committees, such as Army, Navy, Lend Lease, Maritime Commission, and Civilian Supply. These six were the requirements, program adjustment, end products, facilities, labor requirements, and transportation committees.

3. The planning committee, headed by Robert Nathan, which had a roving assignment for long-range studies and recommendations on any problem of war production.

4. Five specialized policy boards with representatives of interested agencies: resources protection, concentration of production, procurement, civilian requirements, and minerals and metals.

5. Six operating committees deciding day-to-day questions: production requirements, order clearance, appeals, controlled materials, mineral resources, and management-labor.

6. The staff of the WPB chairman, the program vice chairman, the orders and regulations division, and the procurement division.

It was an imposing group for one secretariat and a new phenomenon in American administration. Indeed, in the fall of 1941, when the several councils of the National Defense Advisory Commission, Office of Production Management, and Supply Priorities and Allocations Board had appeared on the scene, Emmerich felt it necessary to have James W. Fesler make a study of the British Cabinet secretariat in the search for methods to coordinate and facilitate the work of the hydra-headed bodies.

During and since the war, the techniques used by the secretariat have spread into other agencies. Both the Bureau of the Budget and the Department of State con-

search staffs, and operating officials had to respect him as a nonpartisan colleague who sought neither to influence the nature of decisions nor to assume operating responsibilities. A secretary had to be a "generalist" who knew and understood, as well as did the committee members, both the policy matters with which the committee dealt and the administrative techniques necessary to carry out decisions.

As a source for recruiting, the office found that political scientists and investment counselors were good, but that administrative analysts and economists were often too narrow in their approach. If a category of social scientists had existed, they would have filled the bill. The grades of the positions in the office ranged from the highest civil service level of CAF-15 for the executive secretary down to CAF-11 or CAF-12 for secretaries of less important committees. Each secretary served several committees.

### *Preparation for Meetings*

Under the stress of wartime conditions, committees were expected to reach decisions on first consideration of a question. Such expeditious action was possible only with intensive preparation for meetings. A secretary had an important part in this preparation. He developed the agenda with the committee chairman, making suggestions of matters that required decisions, whether or not requests for their consideration had been submitted. In this respect, he served as eyes and ears for the chairman.

Before items were finally approved for inclusion on the agenda, the secretary made all necessary clearances. Agencies whose work was closely connected with the subject were invited to present their views when they did not agree with those of the initiating agency. Proposed legislation was reviewed and approved by the general counsel.

One of the difficult problems was to make sure that agencies represented on the committee were ready to present their cases and that committee members had authority to make commitments. This authority was most essential in the case of the Army and the Navy. Much tact on the part of the secretary was necessary as he prodded the members who were in effect his bosses.

The agenda had a one-sentence description of each subject and also listed the scheduled visitors with their titles. It carried the number, title, and distribution date of documents on each subject and the numbered paragraphs of previous minutes which were relevant. Preliminary agenda were distributed days ahead and a final agenda was distributed at the meeting. The agenda always gave the name of the committee, the meeting number, date, time, and place of the meeting.

Documents were an important part of the preparation. These would include requests for decisions, special pleadings, statistical analyses from the committee's research staff, laws, and minutes from other committees which the secretary considered pertinent. The secretary sought to have enough information in the hands of members to apprise them before the meeting of the problem, the facts, and the proposals. A long document was accompanied by a short summary. When several documents expressed differences of opinion, the secretary prepared a statement outlining the points at issue and the positions taken.

On occasion, the secretary prepared longer substantive reports on behalf of the chairman presenting his views or giving facts that were in contradiction with or in addition to the contents of documents submitted. For example, a report on the rubber situation prepared by Frederick Roe, requirements committee secretary, compared favorably with the later Baruch report, although it lacked the necessary political prestige.

Documents were duplicated in the secretary's office, where they were standardized

in size and properly labeled. The secretary controlled distribution of all documents.

The secretary invited persons who could aid the committee to attend meetings. An attempt was made to have all interests represented and enough experts on hand to provide the facts desired by the members as they thrashed out a decision.

### *Conduct of Meetings*

MEETINGS proceeded rapidly, with many of the formalities eliminated. Because minutes of the meeting immediately preceding had already been distributed (another feature of the preparation for meetings which brought absent members up to date), nothing more than calling for corrections was ever required.

Formal statements and testimony were discouraged. Visitors were expected to clarify documents that had already been submitted and to provide reactions on behalf of their agencies to proposals developed in the discussions. Decisions and not publicity were being sought.

The secretary assisted in the conduct of the meeting. He sat beside the chairman so that he could easily call attention to pertinent information. He entered the discussion on points of fact or to suggest techniques for administering decisions. He always sought clear understanding on the part of all members as to decisions reached and their respective shares in the execution. Much participation was possible without violating the principle of nonpartisanship.

Naturally, the extent to which a secretary freely participated in discussions varied widely with the committee and the man. The executive secretary was a regular member at meetings of the staff of the chairman of the WPB, a position not held even by division directors of the agency. Consequently, the minutes were kept by another member of the secretary's staff. The resources protection board, which rated existing facilities with respect to their importance to war production and to the kind of protection required, requested James W. Fesler, who had served as secretary, to continue to sit in their meetings as a consultant even after someone else assumed the secretary's duties. In other cases, committee members acted as though the secretary were a spy or an interloper.

Chairmen and members changed more rapidly than secretaries and usually had less experience with wartime committees. Often they regarded efforts at advance planning as mere bureaucratic mumbo-jumbo, so that putting operations on a systematic basis was a process of gradual education conducted by the secretary. A few committees never reached the level of proficiency which the secretaries knew to be possible. For example, one chairman insisted on reading each document aloud at meetings.

### *Follow-up*

THE mad scramble and frantic effort to meet deadlines which were a perpetual part of preparing for meetings were as nothing compared to the headaches which followed. Policy decisions had to be carried into action and the secretary was the channel, the pusher, and the prodder.

Immediately after a meeting, the secretary telephoned officials affected by decisions to give them all possible time for planning execution. Then came the minutes which would provide background for operating officials who had not attended. Minutes were carefully written; they outlined in logical sequence the problem, proposals, reservations, and decisions rather than reporting proceedings in the traditional chronological order or recording the cut-and-dried motions, seconds, and so forth. Indeed, the name of a motion-maker was seldom important, but the substance of documents considered and of oral reports by nonmembers was worth inclusion.

Reworking the haphazard events of a meeting into a pattern was not easy. A secretary usually had his drafts edited by a colleague because the minutes became the

basis for future decisions and sometimes had to serve as legal records. All work was done under pressure of time to have the minutes ready before the next meeting.

The format of all minutes was standard. The minutes of each meeting carried the name of the committee, meeting number, and date. Names and titles of all who attended were listed under the categories of members, staff, and visitors. The names of visitors were followed with notations on the items for which they were present. Items were numbered and titled. Formal orders to operating divisions were incorporated.

As a result of this care committee members themselves received the minutes eagerly in order to know definitely what had happened in stormy, smoky sessions. Excerpts in the form of entire items from the minutes were sent to other interested officials.

Orders from the War Production Board or major committees frequently required entirely new methods or ticklish choices. The tasks of working out these tangles to everyone's satisfaction devolved upon the secretary. For example, a requirements committee order cut production of steel for civilian uses 50 per cent in the middle of a quarter for which priorities and production schedules had already been issued. On a Friday, Secretary Roe had to frame an order that would readily permit many divisions of WPB to take immediate action to notify manufacturers on Saturday and Sunday of new schedules for Monday. After clearance with operating divisions and legal advisers, committee orders were presented to the committee chairman for signing.

Secretaries arranged for reports on execution of orders by operating officials. In cases where committees always carried out policies through certain divisions, regular systems of reporting could be established. In other cases, the secretaries followed up. If compliance had been nonexistent or only partial, secretaries undertook to persuade or browbeat as seemed necessary.

Miscellaneous services of secretaries included preparing reports for submission to the War Production Board on behalf of committees, analyzing substantive problems for the planning committee, and representing committees or their chairmen at meetings of other groups.

### *Advantages of a Central Secretariat*

CONSIDERATION has thus far been given to the first contribution of the Office of the Executive Secretary—its techniques for making individual committees effective. The value of these techniques was enhanced because the secretaries were part of a central office. The competence of secretaries was promoted through the exchange of experiences, through competition for the respect of their colleagues, and through the editing of minutes. Also, the individual secretaries enjoyed the advantages of central duplicating, distributing, and filing. These obvious advantages were an important, but not the most important, aspect of a central secretariat.

The second contribution of the office—coordination of committees with each other and with operating agencies—was a result of its central position. It achieved closer committee teamwork by serving as an information clearinghouse and by providing informal liaison.

The staff of executive secretaries held weekly meetings at which each reviewed the significant developments in his area of responsibility. Here was an opportunity to forget scrupulous nonpartisanship and probe for the causes and meanings of policy trends. In addition, copies of minutes and lists of all documents were circulated to the secretariat. These meetings served to uncover many gaps and duplications in committee agenda which the secretaries could correct and, through the secretaries, gave access to information about top level decisions which was not otherwise available to any single committee.

The office maintained a central reference section which filed all documents and

minutes and collateral information, regardless of source, by subject. Cumulative indexes and summaries were compiled. This reference section not only prevented duplication of research and harmful committee overlapping, but proved a gold mine for quick answers to questions on the background of policy decisions even beyond the realm of committees. In 1943, a special policy analysis and records branch was established in the Office of the Executive Secretary for the express purpose of answering such questions. This branch issued monographs (now being re-issued to the public for their historical value) and expanded the reference section to a policy documentation file containing all important papers of WPB. This "PD File," which was a radical departure in archival science, has been described in the January, 1946, issue of *The American Archivist*.

Liaison usually indicates a fundamental weakness in organization when action depends on an intermediary. But informal personal contact can be most helpful in promoting smooth functioning. Members of the secretariat of the War Production Board attended staff meetings throughout the agency. They trained the secretaries for minor operating committees located in the commodity divisions. They called informal meetings in order to gain or impart knowledge. Whenever a secretary needed more prestige to accomplish an objective, he turned to the executive secretary, who had the necessary backing and entree.

### *Conclusion*

IT WOULD be foolish to claim the WPB executive secretariat system solved all problems of committee operation or that it was the sole reason for the success attained by the committees. Nevertheless, the system was so well regarded that the Office of the Executive Secretary and its personnel were retained through all the vicissitudes of organizational upheavals and power fights in WPB. The office provided continuity, uniformity, and cohesion in a confused setting. It was not just a cog in the machinery but a device for oiling the wheels and meshing the gears. The committee mechanism worked.

# Coordinating Policies and Operations in the Government of the United Kingdom

By F. G. LEE

*British Ministry of Supply*

and ROGER STEVENS

*British Foreign Office*

## I

MR. LEE: First of all, I should like to say, on behalf of Mr. Stevens and myself, what a pleasure and an honor it is for us to be here. We count it a very great privilege to be invited to talk to you. Next, I should like to explain that I propose to talk for a few minutes on what I might term the general background of coordination in the United Kingdom, particularly in relation to the Cabinet system and the Cabinet Secretariat. Then Mr. Stevens will speak on the structure of the Cabinet offices and the Cabinet committees which are served by the Cabinet offices—in short, the general machinery of coordination. I shall later add a few words on the role of the British Treasury in this broad field.

At the outset I want to make one general disclaimer—because I fear that otherwise you may get the impression, as we talk about the machinery which operates in the United Kingdom, that everything works quite perfectly and harmoniously and that we enjoy perfect coordination. Well, of course, that is quite untrue, and the last thing I want you to get from us this afternoon is an impression of intolerable complacency and a feeling that everything in our country and our system is the best in the world. Of course there are officials in the United Kingdom who fall short of perfect coordination. There are also interdepartmental quarrels of a ferocity and length which remind one of the wars of religion. Between the wars a Dutch author wrote a book about England entitled, *The English, Are They Human?* Whatever the general verdict, I do want to assure you that we are subject to the frailties of humanity.

That leads me to the next reflection I want to make, which is that we are fortunate in that we can present to the world a greater appearance of unity than is possible for some of the other countries. The British Government always appears to the outside world to speak with one voice, and I think it is worth pausing at this moment to consider why that is. Ultimately it all springs, of course, from our doctrine of Cabinet responsibility, which is an established constitutional convention of very long standing in the United Kingdom. There is no need to expatiate at great length on what our Cabinet is. It is essentially a committee of the party which for the time being has control of the House of Commons. The Cabinet, of course, is chosen by the Prime Minister. In passing I might point out that we have this advantage, in the particular field that we are discussing, over, let us say, the American Cabinet, in that the people who constitute our Cabinet have been accustomed to working together either in previous Cabinets or in party politics in the House of Commons for a period

NOTE: Talks before the Organization and Procedure Conference of the United States Department of Agriculture, April 23, 1946.

of years, whereas, as I understand it, the American Cabinet may be a team which is assembled in joint action for the first time when they meet in the White House after the election of a new President. Also, in the British Cabinet there is usually less need to have regard for geographical distribution of power than applies in the United States. For these reasons, the British Cabinet tends to be quite cohesive, which is very important in relation to this particular topic.

The doctrine of Cabinet responsibility stated very briefly is that any Cabinet Minister who makes a pronouncement on a public issue is deemed to be speaking for the Government as a whole. And that means that however many disagreements there may be between the Ministers or between departments, and even though they may be the subject of public rumor and gossip, they are officially concealed. If a Minister disagrees with the policy of his colleagues, he must not say so publicly. If he feels impelled to speak publicly, he must resign because he can no longer remain a member of the Cabinet unless he does speak for the Government and in support of the Government's policy. From the standpoint of public presentation of policy, the doctrine of Cabinet responsibility is an enormous help in creating the illusion that there is harmony in the Government and effective coordination of policies.

At times there will be deviations from this policy, particularly with coalitions, as, for instance, in the National Government of 1931-33 and again during World War II, but these have always been rather uneasy periods, and that illustrates how we in England dislike coalitions. In speaking of the Cabinet, I am talking of an ordinary peacetime Cabinet. Of course, inevitably during a war, the War Cabinet is a small body of people who are supposed to be free from departmental cares. That is slightly different from the phenomenon of the ordinary peacetime Cabinet of Ministers under the chairmanship of the Prime Minister, but there is no really essential difference. For our purposes this afternoon it is better to take the norm rather than the exception.

Another fact that is extremely important in this connection is that in the United Kingdom we don't have important Government agencies outside the Cabinet. If we have to create a new agency to carry on a new piece of work, we seek to put it under an existing Cabinet Minister, or a new government department is created the Minister of which will probably take his place in the Cabinet. One can say that, broadly speaking, when there is a Cabinet meeting the Ministers present are those who are directly responsible for all major activities of the Government. That means that if you can achieve coordination between those individuals, you have, in effect, obtained coordination over practically the whole range of government activities. Of course, this is a rather different phenomenon, for understandable reasons, from that existing in the United States.

The next point I want to talk about in connection with the Cabinet is the degree to which its proceedings are formalized. That is very important. In general, one can say that no major issue of public policy is decided upon by the Government without prior consultation with and discussion in the Cabinet. That, of course, to a substantial degree reflects the fact that the Prime Minister in England is only the chairman of his committee; he has not the power of the President and is much more *primus inter pares* than the American Chief Executive. So one has to bear in mind that the Cabinet, when it meets once a week or twice a week, as it normally does, will have brought before it nearly all important issues of public policy.

Let us take, for the sake of illustration, a typical issue. Suppose the Minister of Agriculture in England wants to introduce a system of guaranteed prices for farmers for a period of years. Now, he will no doubt discuss the proposal not only with perma-

nent officials of the Ministry of Agriculture, but perhaps with people in other departments as well. But when he has his plan as he wants it, he will write a paper for the Cabinet. This paper will be assigned a definite number—CP (Cabinet Paper) 45 or 152, or whatever the number may be—and printed. It will be circulated by the Cabinet Secretariat to all members of the Cabinet, perhaps a week or even longer before the Cabinet meeting takes place. Other departments will, of course, study the Minister's paper, in particular its implications on the policies or interests with which they may be concerned, and they may also put in papers of their own to the Cabinet regarding the proposal. Thus the Chancellor of the Exchequer may well put in a paper dealing with the financial implications of the Minister's proposal; the Secretary of State for the Dominions may discuss in his paper the reactions of his department; the Secretary of State for Foreign Affairs may put in a paper discussing the bearing of the Minister's proposal on any undertaking in relation to agricultural and commercial policies which His Majesty's Government may have given to the government of the United States. All these papers are considered when the Cabinet meets, and a decision is made.

Now, the important point to realize at this juncture is the way in which Cabinet decisions are recorded. The recording is done by the Cabinet Secretariat, particularly the Secretary of the Cabinet, who is the head of the Secretariat and an official of very high standing, integrity, and ability. It is his task to write the minutes of the Cabinet meetings. Until the Liberal Cabinet of 1906-14, there were no Cabinet minutes in England, and consequently a great deal of confusion ensued while Cabinet Ministers argued about what their decision was. Now there is no question as to what the decision was because it is put on record by the Secretary of the Cabinet. There are people who say that occasionally decisions are recorded when none have taken place, but that, no doubt, is an exaggeration. The Secretary of the Cabinet writes a short, impersonal account of the discussion and at the end writes the conclusions, something like this: "The Cabinet decided that (a) the Minister of Agriculture should be authorized to pursue his proposals in conjunction with, and after consultation with, the National Farmers' Union, the National Union of Agricultural Workers, etc.; (b) the Minister of Agriculture should consult further with the Chancellor of the Exchequer with respect to the financial implications of his proposals; (c) the Secretary of State for the Dominions should communicate the gist of the proposals to the Governments of the Dominions concerned; (d) the Secretary of State for Foreign Affairs should ask the British Embassy in Washington to notify the State Department of these proposals and assure it that they in no way alter the policies of His Majesty's Government with respect to foreign trade," and so on. These conclusions are then circulated to all the departments.

The Cabinet minutes are, of course, highly secret documents which are kept under lock and key, and the circulation is strictly limited. The conclusions have a wider circulation and form the basic cause for action on matters which have come before the Cabinet. When the Cabinet has decided the line of action to be taken, the decision is a matter of record and must be carried out. That policy can be reversed or altered only by going back to the Cabinet and pointing out unexpected difficulties or other considerations that may subsequently have arisen which make the pursuance of that particular line of action undesirable.

I want to stress the fact that Cabinet consideration as I have sketched it lies behind all coordinated action on a major plane in the United Kingdom. Of course, not all issues go to the Cabinet by any means; there are a great many questions settled below the ministerial level. But

the action on those issues nevertheless is obviously controlled by the framework within which larger issues are handled. Even in relation to smaller issues, of course, if a Minister feels deeply that the point of view of his department is not being given adequate consideration and that there are serious issues which will be jeopardized if a particular line of action is taken, his next step will be to take those issues to the Cabinet and get them thrashed out. It is my belief that the structure and nature of our Cabinet and the degree to which its proceedings have been formalized are more responsible than anything else for such degree of coordination on major issues as we have achieved.

That is a hurried sketch of the general picture. Mr. Stevens will fill in the details of the machinery which services the Cabinet and helps to insure general coordination which, as I have tried to explain, basically exists in the Cabinet.

## II

MR. STEVENS: I should like to reiterate what Mr. Lee has said about what a pleasure and honor it is for us to be here this afternoon. In my case, it is a particular pleasure because it is a kind of "swan song" for me since I am leaving for England, having terminated the Civil Secretariat in Washington which among the many missions here had the same general kind of job as the Offices of the Cabinet which I am going to attempt to describe to you.

The British Cabinet Offices were formed in the course of the last war as the secretariat for the Cabinet and the various Cabinet committees which were created at that time and have continued ever since. The functions of the staff of the Cabinet Offices are entirely secretarial in character. They serve not only the members of the Cabinet and the various committees, but also the Prime Minister in his capacity of Minister of Defense, which means as coordinator of the defense departments: the War Office, the Admiralty, and the Air Ministry. The Cabinet Offices are divided into a civilian and a military side.

Normally, at a Cabinet meeting there will be four or even five representatives of the Cabinet Offices present, for the reason that the job of keeping the record of what goes on is one which requires the close attention and presence of more than one individual. You have to have a fairly alert secretariat for that purpose.

I should like to add a word to what Mr. Lee said about the caliber of the personnel. The head of the Cabinet Offices at the present time is also the Permanent Under-Secretary of the Treasury, which means he is the top ranking civil servant in the United Kingdom. He is a man of the very highest caliber. Immediately under him there is what is called an additional secretary. There is also an additional secretary who is the head of the military side, and who attends all Cabinet meetings at which military matters are discussed. On the military side the Cabinet Offices are divided roughly into three sections. One section (I am speaking of the present time at the conclusion of the war) deals with production, manpower problems, problems of occupation of enemy territories, and the military staff committee of the United Nations. Another section services the British Chiefs of Staff committees. A third is concerned with the maintenance of liaison with the Service missions in Washington.

On the civil side, in which you are perhaps more particularly interested, there are a number of committees of Ministers under the Cabinet. The principal one is known as the Lord President's Committee, because the Lord President is chairman of it. There are standing ministerial committees dealing with such subjects as civil aviation policy, Middle Eastern affairs, occupational policy in Germany, overseas trade and balance of payment problems, and so on. These will report either direct to the Cabinet or to the Lord President's Committee, to which dur-

ing the war there was delegated, as it were imperceptibly, responsibility for deciding on certain issues (particularly relating to home policy) which otherwise would have been submitted to the full Cabinet. Those committees are staffed from one group within the Cabinet Offices. There are also special sections, or were until recently, dealing with Cabinet Offices representatives in the Mediterranean and the Far East where special arrangements have been made during the war for emissaries of the Cabinet Offices to be stationed abroad.

In addition, there is in the Cabinet Offices an economic section which keeps a general watch on economic developments and advises the Cabinet, but which has no secretarial functions. Then there is the history section, which is concerned with the writing of both the military and civilian history of this war; in fact, I think they have only finished writing the history of the last war. And finally, there is a central statistical office which calculates and sets out, for the benefit of the Cabinet and the government departments, a general statistical picture.

I might say a word about the sort of duties which devolve on the secretaries of these committees, from the Secretary of the Cabinet down. First and foremost, of course, their business is to keep apprised of matters coming up before the committees or of matters that are liable to come up before them. It might sometimes be necessary to draw attention to something which should come before a committee and they therefore have to read, digest, and understand a very large number of papers and telegrams which are being put out by the various departments. They act as a sort of clearinghouse for information. When questions warranting committee discussion come up, either at their instigation or at the instigation of some department, they place it on the agenda. It rests with them to decide what persons in addition to the committee members are familiar with and in a position to discuss some particular subject and therefore should be invited to attend meetings. If they leave some department out there is usually trouble, so they have to be careful on this point. They also have to be quite sure their circulation list is up to date and that everybody who is to attend a meeting gets a copy of the agenda and the paper to be discussed. At the meeting itself, it is their responsibility to keep the minutes. Generally speaking, no attempt is made to keep a verbal record of everything that is said. The process of minute-taking is largely one of selection and of boiling down the discussion to a generalized impersonal statement which does not attribute opinions, unless it is absolutely necessary, to the individuals present, but gives a general digest of the discussion. As Mr. Lee said, the really important thing is the conclusion reached at the meeting.

It is also the job of the secretariat to insure that the action decided upon is taken—to follow up, if necessary, and to draw the chairman's attention to the fact that department "X" has not in effect taken the action which it was requested to take at the meeting a week or two weeks earlier. That is quite a full-time job for one individual in the Cabinet Offices who may serve five or six committees. Even if each of them meets only once a week, which is probably below normal, this follow-up involves plenty of work.

There is one other side of the Cabinet Offices work which I might touch on, because it is the side I have been concerned with here in Washington. That is in connection with the maintenance of communications with our agencies in overseas countries. This can best be illustrated by describing the procedure as it operated in Washington. During the course of the war we established the Civil Secretariat in Washington, with functions corresponding in a general way to those of the Cabinet Secretariat in London. That is, the Civil Secretariat was concerned with coordination of the operations of the British civil

missions in Washington, such as the Supply Mission, the Food Mission, the Merchant Shipping Mission, the Raw Materials Mission, the Admiralty Delegation, the Air Commission, and so on. The Civil Secretariat reported to the Cabinet Offices in London.

It has been our practice during the last three years not merely to have direct communication between the Foreign Office and the Embassy in Washington, between the Ministry of Food and the Food Mission, and so on, but also to have a central exchange of telegrams through the Cabinet Offices and the Civil Secretariat. As Secretary of the Civil Secretariat, one of my jobs has been to go over the flow of telegrams in both directions between each agency and its corresponding Ministry in London and to make quite sure there was no crossing of wires. If the action or proposals of one agency were not compatible with the programs of other agencies—and this very rarely happened—the matter could be discovered and straightened out through this central exchange and review of telegrams. One branch within the Cabinet Offices was particularly responsible for servicing the Washington agencies.

I think if there are any other points—I have covered the ground briefly—it might perhaps be more satisfactory if they were dealt with in response to questions. When Mr. Lee has described how the Treasury acts as a coordinating body, we will do our best to answer any questions you may have.

## III

MR. LEE: My remarks are going to be very brief. There is one particular matter I want to add to what Mr. Stevens has said and that is in relation to the circulation of the minutes. One of the really important rules which the Cabinet Offices have established is rapid circulation of the minutes. It is an absolutely fundamental rule that the conclusions are available on the day after the meeting has taken place. That explains to some extent the reason why the Cabinet Offices have such a large job. They must have a secretariat that will be free to take the minutes, to get them duplicated, and to get them out to the departments the next day. It is inevitable that if there is a week's delay between a meeting and the circulation of the minutes, confusion and forgetfulness will ensue.

As regards the Treasury: the Treasury in the United Kingdom differs from the Treasury here in that it has a role among, and accepted by, the other departments of a certain degree of primacy. Broadly speaking, as all financial issues have to be brought before and approved by the Treasury, it necessarily has very much of a central position and one of very considerable importance. One of the great functions of the Treasury is, of course, to avoid waste and overlapping of effort, to decide what department can best take on a given job of work that the Government is to assume.

As you will readily see, this does add a very important supplement to the coordinating activities of the Cabinet Offices. That task, of course, increased very greatly during the war, and is likely to increase still further as England approaches a degree of semi-socialization, if I may put it like that. We face a great many questions of priorities, of how national resources and overseas exchange are to be allocated—broad basic questions in which there must be some department that will take a central view and, having ways to consider the views of other departments, will advise the Ministers what decisions they should take.

More and more that is becoming the role of the Treasury, rather than the traditionally negative role—I refuse to believe it was ever as negative as the critics made it out to be. We feel our true role is to advise as best we can on the wise expenditure of national resources and not merely to act as a perpetual brake on public expenditures. At the same time, we endeavor to insure that waste and overlapping are elimi-

nated and that streamlined operating methods and organizational structures are adopted within the departments.

## IV

*Question:* Should the Treasury or the Cabinet Secretariat be regarded as the principal coordinating agency? *Answer:* The role of the Cabinet Secretariat as essentially secretarial. It is their business to record, occasionally perhaps to crystallize, what has been said, but not in any sense to take executive action. One of the great injunctions impressed upon the staff of the Cabinet Secretariat is that its task is in no sense an executive responsibility. We have a clear distinction between what is executive and what is secretarial. That is not to say that the secretarial function is not important, but it does mean that the Cabinet Offices cannot have a policy of their own, whereas the Treasury does.

*Question:* Isn't Cabinet clearance responsible for irritating delays and needless wrangles? *Answer:* I am not quite sure in what sense the word "clearance" is used. If it refers to Cabinet discussion of policies, the answer is that Cabinet consideration may not be as swift as the decisions of, say, the President, who sends for someone and says, "Jim, you've got to do this," and it is in effect done. But I can assure you that if there is need for urgent action, a Minister can take steps, as by canvassing beforehand other Ministers concerned, to insure that they do consider the problem quickly. If the word "clearance" means clearance of the minutes, the answer is that the Cabinet minutes are not cleared. There is such confidence in the Secretary of the Cabinet that his minutes are taken as final.

*Question:* What provisions are made for sounding out public opinion or the views of Parliament before the Cabinet decides to follow a given course of action? *Answer:* Of course, a good many measures which are introduced have been the subject of debate within parties for a considerable number of years before they come to the point of action, and they are the subject of discussion in the press. As to the views of Parliament, Ministers frequently take soundings among members of Parliament of their own party as to the extent of the support or opposition which they may get. I ought perhaps to say that one convention of which Parliament is extremely jealous is the rule that important decisions of policy are first announced to Parliament rather than through the press. I need not tell you that our Ministers don't very much like press conferences.

*Question:* How can the Cabinet be assured that Parliament will provide necessary legislative authority to make effective its decisions? *Answer:* The Cabinet is essentially a committee of Parliament. It is a committee, which as I said earlier, represents the party which has the majority in Parliament. Broadly speaking, that party has been chosen at the elections to follow a particular line of action, and Ministers, when they introduce measures, of course see to it that they are broadly in line with what the party wants. And then, of course, party discipline asserts itself. The Whips are put on when a vote is taken on an important measure, and if a Member of Parliament votes against his party, that, in our view, is a serious offense. His name very probably will be withdrawn from the party lists at the next election and he knows he has no chance of preferment in the party. All in all, he is in an exceedingly unhappy position. The English M. P. is, I think, much more amenable to party discipline than the average Congressman appears to be.

*Question:* How is the Secretary of the Cabinet selected? *Answer:* He is selected by the Prime Minister. Before making the appointment, the Prime Minister of course consults the Permanent Under Secretary of the Treasury, who is the ranking permanent civil servant in the United Kingdom. Perhaps I should say that officials of the Treasury always assume that the Secretary of the Cabinet will be drawn from their ranks.

as being the perfect source from which great men should come, but that doesn't always happen. Sir Edward Bridges, the son of the poet, Robert Bridges, was an Under Secretary of the Treasury who was made the head of a Treasury division dealing with expenditures of the Armed Service departments, and therefore had done a great deal of work in coordinating defense measures. He was appointed Secretary of the Cabinet at the age of about forty-two or forty-three, just before the beginning of the war.

*Question:* Please describe the role of the Permanent Undersecretary in the Ministries as to (1) influence on public policies, (2) attendance at Cabinet meetings, and (3) administration of the Ministry. *Answer:* The influence of the Permanent Undersecretary on policies depends, of course, on the caliber and drive of the Minister and the caliber and drive of the Undersecretary. One can only generalize, I think, by saying that the Permanent Undersecretary, if he is good, obviously does have a considerable influence on policy. But, of course, when the Minister has made up his mind that this is the policy he is going to follow, it is the function of the Permanent Undersecretary to insure that that policy is faithfully carried out. It is his responsibility to see that the machinery of the Ministry is properly effective and adequately staffed for the policy which the Minister wishes to follow. As regards attendance at Cabinet meetings, the answer is that the Permanent Undersecretaries don't attend Cabinet meetings, as a rule. They are political gatherings of political men who don't usually relish the presence of officials. As to the third point, administration of the Ministry, I have explained that the Undersecretary's prime responsibility is to see that the machinery of the Ministry functions properly, and one finds more and more, as Ministries get bigger, that the Permanent Undersecretary is apt to find very much of his time taken up with what we call establishment, that is, administrative, questions—seeing that the machinery is functioning properly. He has less time for policy issues, and there is a tendency for the second secretaries to give more continuous attention to, and probably to have more influence on, policy issues than the Permanent Undersecretary.

# Straight Talk About Label Thinking

By O. GLENN STAHL

*Deputy Director of Personnel*
*Federal Security Agency*

TO ASSAIL certain management controls in government administration as interferences with "operating" programs is one of the fashions of the day that matured during the War. One of the recent written examples is the thought-provoking article, "A Dangerous Tendency in Government," by Willard N. Hogan, which appeared in the Summer, 1946, issue of *Public Administration Review*. But most of the shouting is oral and less carefully thought out. The complaints and attacks (and occasionally even the fears) center in varying degrees on budget, personnel, accounts and audits, management planning or analysis, and housekeeping services, which are deplored as unwarranted "obstructions" to authority and responsibility for carrying out programs successfully. (Curiously, there is little reference to the inhibitions and distortions that sometimes result from the formalism and legalistic reasoning insisted on by some lawyers. These seem to have been accepted so long that they are more hallowed than modern management techniques.) Many of these criticisms of the reasons for management controls, or of the ways in which they are exercised, contain constructive observations. But in great part the criticisms are superficial.

Executives and students of administration are continually stressing the point that management "staff" activities are services to the operating objectives of an organization; that the outfit was created to do a certain "job"; and that budget, personnel, management planning, public relations, fiscal control, and housekeeping operations are incidental. Such activities are there to help get that "job" done. They are, in the broadest sense, services.

Of course, the mere statement of the point presents a truism that no one can deny. The surprising thing is the degree to which shallow or specious conclusions are arrived at in its name. Much of the difficulty arises out of over-simplification. From the way this point is sometimes ridden one can almost picture the proverbial General in the Pentagon, master of all he surveys and sufficient unto himself, barking his commands and finding life in a complex organization sublimely simple. The reasoning is almost like this: any schoolboy should know that if something is to be a "service" then it can't be a "control." The dictionary just doesn't permit such things.

There is a name for such reasoning: it is "label thinking."

## *The Role of Staff*

I SUBMIT that what is "service" at one point may be "control" at another. Let us see what this means by an example. A top executive has the necessary responsibility and authority to carry out a given program. His organization is divided into six major branches. In addition to other appropriate staff advisers, the top executive has a management chief or chiefs under whom are found the usual management activities. These management people are directly responsible to the top executive. They "serve" him. Nevertheless, the top executive is a very busy man. He expects his management people to be broad gauged and program conscious. Therefore, he asks them to represent him and act for him in

varying degrees on personnel, budgetary, and comparable matters. When they are in contact with program officers at any point below the chief executive, they are either advising, providing the "know how," or controlling administration. To some extent, they are acting as line officials in their respective fields of specialization.

And what is so frightening about this? They are no more "specialists" than the various program officials themselves. It is the only way by which the busy top executive can maintain the controls he must maintain if he is to exercise real leadership and influence in the organization. If there is any problem, it is a problem of education of management staff and program staff alike.

It is popular in government for a program man to complain that a management man is not acting in his "service" capacity because he disagrees with or disapproves a proposal of the program man. This complaint was particularly loud among able and zealous experts brought into the federal government during the War to do something big in their field of specialization and to do it fast. Undoubtedly their complaints were often justified. They may have encountered some pretty unimaginative management men. But to assume that a personnel, budget, or other management specialist should jump through hoops at every wish or whim of every program official at any point down the line is not so much a recognition of the proper "service" relationship of these management people as it is a denial of the authority of a superior level in the line—the level in the hierarchy above the program official and to which he is responsible—the level at which the management specialists are employed expressly for the purpose of informing, guiding, helping, and, if necessary, restraining him, for the good of the program and by the general order or delegation of the superior officer.

These are simply some of the tools by which and through which the top executive manages. If his organization is big or far flung, he also may delegate many personnel and budget and similar management decisions directly to principal program officials who in turn, if size and operations require it, have management specialists on their own staffs to help them control the organization below. But, in any event, the top manager still needs basic policy control and certain common denominator or general procedure types of control at his own level; and if he needs them and has them, we expect him to use them and operate through them. They are "staff" or "service" to him. But they are "control" to those below. The men who exercise the controls represent management in their respective areas to all below their chief. A great deal of the thoughtless "griping" directed against management specialists is the chafing of subordinate officials at the rightful and necessary guidance and controls imposed by their proper superiors.

The idea of staff assistance does not require access to one's superiors chiefly through staff officers; actually program heads may see the line chief more frequently than his lieutenants. That depends on the subject matter. Program men are free, of course, to persuade or influence their superior officer on management matters, but that is not best done by "taking it out on" the management people who represent him. One federal agency in a statement announcing a reorganization handled the problem this way:

> As in all cases of line and staff organization there is no question of the line or the staff being superior one to the other. They simply perform different and necessary functions for the Administrator.

## *The Complaints*

WHAT are some of the typical specific complaints?

1. *Negative restrictions get you down.* There are so many points at which government officials are prevented from doing

something that they often get a feeling of frustration. A private businessman is a free agent by comparison. Many of these restrictions go too far. Many of them are unwise. Many (for example, the straitjacketing of the procurement system to insure fair competition, the mysticism of federal budget "green sheets," the rigidity of the compensation system, the pretense of complex civil service categories that establish varying degrees of "status" for employees, to name only a few) are anachronisms, relics of conditions in government no longer significant. These should be fundamentally reconstituted. Negative restrictions, however, are not bad merely because they are negative. Most are desirable, if not always in form, at least in objective. Tangible evidence is rarely forthcoming of programs which have genuinely suffered because some individual could not be hired or fired, because somebody didn't get paid enough, or because there was not enough money or space or something else for some minor aspect of the program. The cases where real damage can be shown because of such action or lack of action are probably few and far between. Nevertheless, it is largely these individual minor experiences that lead to the general charges of obstruction. A charge is valid only when the general nature of the restriction is bad, and the situation is not remedied by spanking the management specialist and putting him in his servile place.

2. *You can't fire anybody.* This is one of those popular notions which arises from the human difficulties involved in any removal from office and the desire to blame inaction on something outside one's self. Actually, what most federal officials need in order to fire an incompetent employee is courage, plain ordinary courage, which is the same thing needed to fire an incompetent employee in private industry or anywhere else. It would not make for an effective working force, it would not make employees secure and productive, if they were to get the feeling that they could be removed from office on a summary basis. The limitations that appeals procedures and the like impose upon executives in this matter are far less a hindrance to elimination of incompetent personnel than they are a guarantee of the psychological security which a good staff needs.

3. *The boss acts too much through his leg men.* This point has been fairly well covered above. The answer is that he has to act through staff men of one kind or another. If they are narrow or obstructionist by nature, that is not a problem of organization but of personnel selection and training.

Hogan, for example, cites the power of the Bureau of the Budget in determining whether departmental proposals and plans are "in accord with the program of the President" and refers to these controls as "placed outside the line of operating responsibility" (p. 237). If the President does not use this staff agency for this purpose, he would have to use staff assistants or some new setup created for the purpose. Surely it is not suggested that he look after all these details himself. Or is it suggested that these "proposals and plans" do not need review and coordination? Few operating heads are so self-abnegating that they will not grasp at any opportunity to further their programs without regard to the President's wishes. Experienced bureaucrats know how to play special interest groups and congressional committees against the President's program if they feel it is necessary. This is not often a vicious thing; it usually grows out of an intense conviction of righteousness. But it is underhanded and it does circumvent real control by the Chief Executive of his administrative machine. He needs the Bureau of the Budget for precisely that kind of control.

4. *Management men are too zealous for their specialities.* Of course, these specialists are often wrong in degree or in direction at any time or in the case of any individual. But so are "program" men! They are all human beings. The problem that grows out

of the zeal of expert interest and specialization is not solved by insisting on the exclusive rights of various specialities within a program to operate without substantial outside management controls, but by preparing specialists and experts of all stripes to be generalists and executives.

5. *Management people often exercise an unconscious or willful control over program policy.* Again, is this not a matter largely of individuals and of individual situations? Is not control by indirection and subtle sabotage evidenced just as frequently in the so-called "program" line and by subordinate operating officials as it is by management zealots? Ask any department head.

### *More Important Dangers*

EMPHASIS on management controls as the villain in the piece distracts attention from much more fundamental and serious dangers in big government. Some of these have already been implied, but they may be recapitulated.

1. *The tendency toward autonomy and resistance to coordination by operating programs.* People who have worked in Washington know how intense and widespread this tendency is. It flows from perfectly understandable human causes. It ranges from the resistance of the armed forces to integration in a common department of national defense to the continuous effort of bureaus and offices to operate independently within the various departments. The examples are frequent of bureaus that would like to run their own shows without regard to tying their programs into related programs of other bureaus. And the occasions are frequent when a budget examination, job classification review, personnel selection approval, or organization analysis will force them to do what they should have done but didn't.

2. *Separatism fostered by support of special interest groups.* This is a corollary to and something of a restatement of the preceding point. It is evidenced in conflicting interests that may even reach public attention: for example, the conflicts over prices between the Department of Agriculture, with primary interest in a producer group, and the Office of Price Administration, with primary interest in a consumer group. The experienced bureaucrat sees it time and again between agencies and often, also, within almost every large agency.

3. *Over-formalized procedures.* This point has been most recently evidenced by passage of the Administrative Procedure Act. Blachly and Oatman have so thoroughly discredited the usefulness and wisdom of this restrictive legislation that it need only be cited here.[1]

4. *The limitations of the expert.* Here I am borrowing the title of a brilliant article by Harold J. Laski,[2] in which he calls attention to the tendency of specialists to assume that their expertise cloaks them with authority in all fields. "The expert . . . sacrifices the insight of common sense to the intensity of his experience." He fails to see around his subject. "He too often, also, fails to see his results in their proper perspective." As for caste spirit: "The inability of doctors to see light from without is notorious; and a reforming lawyer is at least as strange a spectacle as one prepared to welcome criticism of his profession from men who do not practice it. There is, in fact, no expert group which does not tend to deny that truth may possibly be found outside the boundary of its private Pyrenees" (p. 103). So Laski cautions against over-reliance on expertise in government. Are not his warnings at least as applicable to program men as they are to management men?

### *Remedies*

NO VERY penetrating analysis is needed to demonstrate that these dangers can be most effectively combated by activities and processes which develop perspective and coordination. Management controls

[1] "Sabotage of the Administrative Process," 6 *Public Administration Review*, 213-227 (1946).

[2] 162 *Harper's Magazine*, 101-110 (1930).

themselves are often good counterirritants. It is desirable to concentrate authority in persons who are responsible for given programs of work but they must be equipped to carry it out. The real need, as I observe it, is in the preparation of men in all fields for executive leadership and for the mastery of management techniques. Many top administrators do not know how to use their "staff." As Laski puts it:

> . . . The wisdom that is needed for the direction of affairs is not an expert technic but a balanced equilibrium. It is a knowledge of how to use men, a faculty of judgment about the practicability of principles. It consists not in the possession of specialized knowledge, but in a power to utilize its results at the right moment, and in the right direction (pp. 105-106).

Laski stresses that the leader, the executive, the statesman, to be successful and worthy of authority, must coordinate his specialism "with the total sum of human knowledge," must see his expertise in perspective, must represent "common sense" in relation to the special field of work being administered.

The ideal may be to dispense with "staff" and with specialized management services entirely whenever operators and administrators are self-sufficient in this perspective and mastery, but we are far from that ideal.

Some exceptional men acquire the overall view through experience; others have been aided by a liberal education. We need a systematic effort in our whole educational system to turn out experts who have been exposed to such general understanding and wisdom that they may orient their specialization properly in the world's work. But a premium should not be placed on "generalism." An administrator is not made by a liberal education alone. Most executive posts below those of "cabinet" rank inescapably require statisticians, doctors, lawyers, scientists, economists—in short, experts—if understanding direction is to be achieved. But *specialists must be trained in more than their specialties.*

Many of the limitations of experts can be traced to a narrow, specialized education. Only the person with very unusual personal gifts can overcome the caste spirit, the provincialism, of the expert. On the theory that experts cannot escape administrative responsibility at some time in their careers if they are to rise above mediocrity, chemists and lawyers and doctors and statisticians and similar specialists should be expected to have in their professional curriculums certain minimums of the social sciences, social psychology, literature, and English, and a liberal dose of administration or management science. Few vocations are without the need for executive capacity and an understanding of how to lead and to work with people. This necessary "liberal" base to all preparation for vocations is never wasted; it also serves the needs of good citizenship.

We cannot expect formal education to provide the full training that is needed. One of the most difficult objectives to achieve in government organizations is acceptance of the idea that executives should be prepared for administrative responsibility. There is more resistance to this kind of training than to almost any other. The higher up in the scale we go, the greater the resistance. Among popular notions are the following: it is "belittling" to suggest that an executive needs training; or, he has gained it by experience; or, he can rely on somebody else to "administer" while he "plans" or "deals with the interests." This is some of the most meretricious balderdash that ever rang down the halls of bureaucracy. How many of the characteristics and attitudes needed are born in a man or acquired through the trial and error learning of one man's experiences? Very few indeed. They are concepts based on analysis of the experiences of many. One does not just come by them naturally through occupation of the position "next in line."

The major step that can be taken by bureaucracy—by forward-looking imagina-

tive bureaucracy—is to insist that all potential executives participate in comprehensive training in management and leadership before they are considered equipped for major directive responsibility. For very top policy-making posts we rely on the selection policy of individual presidents, but there are thousands of jobs in the federal service of major executive importance to which this training requirement might well be applied.

This in-service training should be undertaken regardless of the individual's previous background. A broad education or experience cannot be relied on to have developed the necessary outlook. Such training cannot be a "short course" affair. It must be a progressive and systematic series of steps, beginning perhaps with intensive training in supervision for first-line supervisors, including emphasis on human relationships and how to get people to work together. The program could next add refinements of supervisory principles and practices and exploration of the purposes and uses of various management techniques, such as budget planning, organization planning, personnel administration, property and materials control, and fiscal accounting. The training might also include public relations and the legal aspects of administration. The plan should provide for higher and higher requirements for progress to successive levels of administrative responsibility. Thus, about three different stages of training for executives could be planned—one for minor supervisors, one for middle supervisors, and one for major executives. No one would be selected for a job above a certain level unless he had succeeded in the necessary training.

An example of the practicability of management training on a large scale is that sponsored by the British Ministry of Labour for business executives. It recognizes that "few men, having a practical and chiefly technical background, can be expected to have acquired the fundamentals of business management as well." The syllabus, planned by the British Government and offered in technical colleges in industrial centers, is described as "coming to grips with everyday business affairs" and dealing "with the fundamentals of the human side of business, the relations of management and staff," and the accounting, financial, and statistical aspects of business.[1]

## *Conclusion*

THE purpose of this article is not to say that management specialties do not need improvement. They need continuous and intensive improvement. But the problem cannot be dismissed by saying that these specialties should be viewed as "services" rather than "controls." Reform of management organization and methods needs to be seen in perspective. It is granted that we can't avoid big government; let us therefore focus attention on its big shortcomings and obstructions, which management techniques were in part developed to correct. Then we may feel we are sharpening the tools to deal with the fundamental bugaboos of complex organization.

---

[1] British Ministry of Labour, "England's Business Training Scheme," 25 *Personnel Journal*, 121-26 (1946).

# Reviews of Books and Documents

## The War Department General Staff

By Leonard W. Hoelscher, U. S. Bureau of the Budget

NATIONAL SECURITY AND THE GENERAL STAFF, by MAJOR GENERAL OTTO L. NELSON, JR. Infantry Journal Press, 1946. Pp. vi, 608. $5.00.

FOR readers of the *Public Administration Review* it may be well to identify General Nelson's new book with the doctoral thesis in which it had its beginning. That thesis was entitled "The War Department General Staff. A Study in Organization and Administration." This title gives the clue to the reason that this book is of interest to all students of public administration. It deals with one of the most significant experiments ever undertaken in this country in the development of an administrative means for coordinating and controlling an organization of extreme size and complexity.

The book is indeed a monumental case study of a major administrative experiment. It does not cover the substantive operations of the War Department and the Army, nor does it deal abstractly with the problems of planning, coordinating, and controlling. It is a study of the process of top control as applied in the largest agency of government (short of the total executive branch) and of the evolution of a specific administrative mechanism over a period of more than forty years.

Had the book been published six years ago when the thesis was submitted, it might have attracted only a small number of students of administration because the subject matter and some of the terms would have been unfamiliar. Now most persons interested in administration have some acquaintance with military structure and terminology. However, this volume is by no means limited in interest to those who have participated, in one way or another, in military activities or have a special interest in them. It should be of interest to all students of public administration because it deals as a case study with most of the basic problems of administration.

The Infantry Journal Press did not provide as expert a job of publishing as might be desired. The type is of good size, clear, and clean, but quotations and reproduction of documents are handled in such a way that it is often difficult to tell whether the author is speaking or quoting. Fortunately, the book is easy to read in spite of this shortcoming.

### *The Author*

THAT a West Point general and an infantryman should find himself writing a 600-page case study of administration is in itself remarkable. But General Nelson has had a unique career. In the first place, he is one of the Army's very few specialists in over-all administration. His is the rare faculty of being at the same time a doer and a student, and preeminently successful at both.

During most of the war—from March, 1942, to January, 1945—General Nelson served as the right hand of the deputy chief of staff, who was in fact the general manager of the War Department. Nelson was himself a one-man staff and line organization who supplemented General McNarney and literally participated in everything. He personally handled every piece of secret and top-secret paper that came to the office of the deputy chief of staff—and that entailed understanding what study had taken place, knowing who thought what and why, identifying the nub of the problem, and being prepared to discuss the issues and considerations with General McNarney. He originated numerous important organizational and administrative changes in the War Department. He made recommendations regarding the clearance of every military unit that moved overseas after personally reviewing the detailed reports of the inspector general. He was the very special aide on many problems for the

Secretary, the under secretary, the assistant secretaries, and the chief of staff, as well as for the deputy chief of staff; they had the greatest confidence in him. He was fearless beyond the point of recklessness in stepping into the middle of the hottest disputes, and in offending some powerful people. And with all that, he succeeded in having developed and installed changes in methods of handling classified mail, a revised manual of administrative practices, and numerous other work-a-day improvements.

From January to July, 1945, Nelson was Deputy Commander of the Mediterranean Theater—where his position and approach were much the same. He returned to the United States and wrote the book under discussion in the period from July to November, 1945.

Nelson's experience was ideal for purposes of this case study. The War Department operation during World War II was an administrative undertaking of unparalleled scope. Nelson participated in such a way as to give him a superb view and understanding of the management of the operation, and then without delay he recorded the experience.

Of course, the value of the observation derives largely from his earlier training and experience. The book jacket gives a good summary statement:

> Major General Otto L. Nelson, Jr., graduated from West Point in 1924 near the top of his class. Ignoring the tradition that the high-ranking members of the graduating class choose the Engineers, Coast Artillery, or Signal Corps, Second Lieutenant Nelson chose the Infantry. In 1932 he earned his Master of Arts degree from Columbia University, while instructing in history, economics, and government at West Point.
>
> Upon completing the Command and General Staff School course in 1938, he went to Harvard, where he received his Ph.D. degree the following year. He then returned to West Point as Assistant Professor in charge of Economics and Government.

### *Significance of the General Staff Concept*

THE general staff plan is without question one of the most important administrative devices developed for use by the head of a complex organization to plan, direct, coordinate, and evaluate his operations and his organization. Broadly speaking, a general staff consists of a number of coordinated staff units (bound together into a cohesive organization) that are concerned with aspects of the agency's activities which are common to practically all parts of the organization, and which are of such importance as to warrant the special attention of top management. Conversely, general staff units are properly never assigned a primary interest which corresponds directly to the interest monopolized by a line or operating unit. A general staff in theory is freed from routine operating duties so that it may have ample opportunity and facilities for planning and evaluating; yet it is not isolated to the point of losing touch with reality.

During World War II, the War Department General Staff consisted of five divisions—personnel, intelligence, organization and training, supply and equipment, and operations. The General Staff divisions were coordinated by established doctrine and procedure, and by the deputy chief of staff.

Variations of the general staff pattern—ordinarily quite imperfect in execution and operation—are used widely in both government and industry. In the federal government the pattern frequently takes the form of units concerned with such matters as program planning and control, budgeting, personnel activities, and administrative planning—usually, however, without the status or comprehensiveness that the War Department General Staff in theory possesses. Industries employ units, under one or more vice presidents, having similar or comparable functions. The President of the United States has an Executive Office consisting of the Bureau of the Budget, the Economic Advisory Council, and the White House Staff, which, with the Office of War Mobilization and Reconversion, serves as an incomplete general staff.

The War Department itself has far from perfected its general staff concept, as Nelson's book makes very clear. If the general staff form is to be developed for general use—as seems likely—there is a considerable area of doctrine and practice which needs to be explored and identified in relation to the development and use of general staff both in military and in civilian agencies. The evolution, difficulties, shortcomings, and values of the General Staff of the War Department constitute a case study of particular value for all persons concerned with related problems in other complex organizations.

*Part Played by Civilians and Generalists*

IT IS interesting that the General Staff was established in the War Department and carried through its major crises and periods of critical development not by military specialists but by civilian "generalists," beginning with Elihu Root in 1899. The philosophic question might be raised as to whether such a development might come in any other way than through the efforts of an outsider, and yet the German General Staff, which was certainly the inspiration for our own, seems to have been the work of the military. Without going into such speculation, it is clear that in our own case we are greatly indebted to nonexpert civilians for the initiation of the General Staff idea.

General Nelson observes that it was fortunate Secretary Root entered the War Department without any special knowledge of military affairs. "This very lack of military experience strengthened his dispassionate objectivity which, when combined with his keen powers of analysis, made him the brilliant administrator that he proved to be. Details can be mastered but objectivity once lost can seldom be regained" (p. 39).

It is interesting that Root had first declined to take the position of Secretary of War because he said he knew nothing about war or about the Army. He was then told that he had been offered the position because the President wanted a lawyer to direct the government of the Spanish islands, and it was on this basis that he accepted the assignment.

The description of Root's identification of the major problem of the War Department and of his study leading to a proposed solution might well be taken as a case study in the solution of administrative problems in general. He was here his own administrative analyst. He analyzed the situation, determined the conditions, studied comparative administration, unearthed studies of the problem which had been made (and buried), developed a solution, undertook to sell the idea, initiated legislation, and backed it through the usual difficulties until it became law on February 14, 1903.

Just as the first step in the establishment of the General Staff was basically the result of the work of a civilian and a generalist, so also was the second critical phase of development handled by a civilian. General Nelson states: "At any event, the General Staff came dangerously near passing out of the picture in 1916. Only a rare combination of fortuitous circumstances saved it—the indication that the country was drifting rapidly into war and the arrival of a Secretary of War who not only caught the vision Elihu Root had in mind when he proposed the General Staff idea, but who was also brilliant enough as a lawyer to look beyond narrow interpretations of the law in search of the spirit of the statute" (p. 184).

Nelson concludes that the principal qualifications which Newton D. Baker brought to his job were critical mental faculties which "were much more important than experience or an intimate knowledge of the field" (p. 187). Interestingly enough, Baker had been a student in Professor Woodrow Wilson's course in the theory of administration at Johns Hopkins.

Baker's first contribution lay in his interpretation of the National Defense Act of 1916. That act had stipulated five types of activities in which General Staff officers shall be exclusively employed and then added the sixth provision ". . . (f) or on other duties, not of an administrative nature. . . ." The judge advocate general had advised that these words be construed literally. Baker saved the day by his own thorough study of the act and also of the history of the previous fourteen years. He made the common sense decision that the chief of staff and the General Staff needed to do those things which had to be done in order to coordinate and control War Department operations, and that the prohibition was merely against dipping into administrative operations of subordinate units. The device for coordination of War Department operations might well have foundered at this time. Within the military there was one group pulling for authority to exalt the chief of staff and another group working for a weak or multiple head of the service. It was the civilian who maintained a balanced course.

*Part Played by Military Specialists*

A STUDY of the book indicates that the contribution of the military (substantive) specialists was the improvement of the organizational process after it had been initiated, carried through the long period of the struggle

for existence, and rejuvenated by the generalists. In fact, a new generation of substantive specialists had to grow up before the general staff concept was fully accepted, and then after the form had become accepted the underlying philosophy might be forgotten.

The chief opposition to Elihu Root's proposal for a general staff came from the highest military quarter. General Miles, then the commanding general of the Army, fought the proposal openly and with a degree of success. The testimony of General Miles as given in the book is well worth quoting; one might find it paraphrased in the testimony of other substantive specialists defending things as they are—then, now, and in the future. General Miles testified:

> "More than 100 years ago our Army was organized by the genius of Washington, Steuben, Hamilton and others. In all the wars in which we have been engaged it has in the end been victorious. It has withstood intrigue and contaminating influence from without and has absorbed the injurious elements that have been forced upon it, sustaining the honor of the Nation, and the glory of American arms in every campaign and its present organization is best adapted to our great Republic. In my judgment a system that is the fruit of the best thought of the most eminent patriots and ablest military men that this country has produced should not be destroyed by substituting one that is more adapted to the monarchies of the Old World (pp. 53-54)."

After such testimony the chairman of the Military Affairs Committee of the Senate informed the War Department that favorable action on the bill could not be expected during that session.

Once the proposition had been accepted by the Congress, some of the early chiefs of staff fought hard to establish and develop a General Staff. As Nelson points out, however, many of the bureaus did their best to undermine the new institution, as it inevitably interfered with what they considered to be their prerogatives. Here is illustrated what may be one of the normal circumstances of administrative life—antagonisms between the units of an organization on the one hand and its top control units on the other are not only inevitable but are probably necessary to the vitality of an organization. Conflict is one of the concomitants of vitality. The important feature that needs to be built into administration is not that of eliminating conflict but of keeping it within bounds and of balancing the organization in such a way that the results of competitive action resolve into a force compatible with the objectives of the organization. Normally, the component parts of the organization have more inherent power, and balance can be maintained only if the top executive constantly strengthens, protects, and uses his staff facilities.

### *World War II*

THE second half of the book is "straight from the horse's mouth." As indicated earlier, the idea of the book developed from a thesis presented in March, 1940, and the first half consists primarily of that thesis. The second half is developed directly from personal experience and observations in the office of the deputy chief of staff. The first part of the book represents the extremely valuable contribution of a research student; the second represents that unusual treasure to students of administration, the direct observations of a student who is an operator participating responsibly in the very center of the thinking and control mechanism of an organization of unprecedented size operating at the highest tempo.

The main impression left with the reader by this half of the book is that the General Staff gave a good account of itself in the great test. The basic concept seems to have been sufficiently sound so that even with imperfect understanding and execution, the device met the needs of the top executives of the War Department. An administrative system can be right and yet not be practical—it can be so constructed that it does not provide reasonable service unless staffed with personnel who combine the highest qualities of philosopher and executive. The General Staff met the test of being able to succeed although made up of a rather representative cross section of high-ranking officers, many of whom had no General Staff experience prior to the war.

In some ninety thousand words written immediately following the capitulation of the enemy, Nelson describes the top administrative problems of the War Department and the developments and experience of the top side of that agency from 1940 through World War II. He tells how very early in the war the decision was made to reorganize and describes in some detail the significant aspects of the

reorganization of March 9, 1942. He also evaluates the problems that were solved then and the problems that were left unsolved.

Numerous examples of top administrative organizations are described. The joint chiefs of staff is discussed as an administrative device. Some measure of appraisal is provided of the chief organizational and administrative features and developments of the principal commands, namely, the Air Forces, Ground Forces, and Service Forces. This variety of organizational plans and administrative devices is in itself an area of study that would warrant a great deal of research and analysis on the part of students of administration.

Nelson concludes with an exploration of the future requirements and possibilities for armed force organization. In this final chapter he sums up his philosophies and theories of organization and administration as applied to the armed forces. He sets forth his concept of the basic administrative requirements for unified armed force organization and treats of the organizational needs for the future, including his concept of a general staff and of the need for full development of personnel to discharge the responsibilities that will be involved.

With a realism that seems to be out of step with what appears to be the present frame of mind of the military organizations, Nelson traces the history of appropriations made available to the armed forces and relates them to national income and total federal expenditures. He considers the long-time trend in the availability of funds for national defense and finds that War Department expenditures in a postwar period tend to be about treble those in the period just preceding the last previous war. He finds also that annual expenditures tend to approximate 1.5 per cent of the national income. Needless to say, the estimates that would be developed by using these planning factors are vastly below present rates of expenditure and, very likely, materially below what the military hope to secure. Incidentally, it is probable that the demand for reduction in federal expenditures will be the factor that will lead to some type of unification in the armed forces.

A large number of interrelated administrative problems are delineated and appraised as part of the central theme. Included are such relatively mundane but highly important matters as the handling of mail and files and other communications and the expeditious control over all important correspondence. The procedures which make large-scale administration possible are often treated as matters worthy of the attention of only the lowly and humble. Mails and files are left to the clerks—the administrator and his staff are too busy with the big problems. Nelson, however, realizes that communication is the life blood of an organization. As one analyst who has worked on War Department problems likes to say, the man who controls the mail room determines the organization pattern.

Included also is the discussion of such complex devices of planning and control as the program planning system developed in the Army Air Forces. Ever-present problems of functional versus geographical organization come out in the description of the evolution of the commands. The description of the regularized topside briefing system provided for the Secretary, the chief of staff, and other high officials is well worth study for possible adaptation to nonmilitary situations.

### *Some Items of Special Interest*

THE book is replete with items of special interest, and the particular items that will be so identified by any reader will depend upon his background. One of the items of special interest is the story of the development and content of the Executive Order that established the reorganization of the War Department on March 9, 1942. Included in the book are the letters that passed between the director of the Bureau of the Budget and the President with respect to the order as a whole and with respect to certain features. The director endorsed the plan generally but pointed out that he was "chiefly concerned . . . with the plan of subordinating budget and legislative policy matters within a large operation branch of the War Department . . ." (p. 353). Although the bureau was unsuccessful in keeping the budget division from being assigned to the Army Service Forces, the department itself (actually through the initiative of Nelson) moved the War Department budget division up to a top staff level approximately a year later.

The development and operation of the Army Air Forces program planning system

is another matter of particular interest. Essentially, the system was one which enabled basic strategic policies to be translated into action simultaneously throughout the organization, maintained a balance between resources and requirements and among the several parts of the program, established the responsibilities throughout the organization with respect to programming, and enabled the program to be revised quickly on the basis of experience. The program planning and control system was a major factor in enabling the Army Air Forces to operate its flying crew replacement system; to maintain balance among aircraft, personnel, and supplies; and to make major cutbacks in its program quickly when loss experience and other demands were less than those reflected in the planning factors.

The development of the role of the inspector general during World War II is well worthy of consideration. The use of the audit device is not new in either industry or government, but certainly here was an outstanding example of extensive use of an administrative audit facility. The few pages that can be alloted to this subject indicate that here lies the possibility for some extensive case studies that can be added to the limited literature available regarding this administrative technique.

The War Department Manpower Board, bringing together consideration of both military and civilian manpower resources in the continental United States, is of particular interest in view of the present basic method of resource control within the federal government. Under recent laws and more particularly under the present salary adjustment act, the principal control over many agencies of the federal government is achieved through the ceiling control rather than through the normal fiscal budget device. During the war the truly short commodities were materials and manpower. The experience of the War Department Manpower Board, and probably of even more cogency, the experience of the Army Air Forces and Army Service Forces manpower operations (not covered directly) are therefore of particular interest to federal civilian administrators at this time. The concept of the manning tables developed by the Air Forces and Service Forces, the use of work measurement devices, and the use of these in conjunction with basic programs and schedules represent important administrative developments.

### *Interesting People*

"THEATER" is provided by the citation of what the Army calls VIPI's (very important people indeed), who made the history that is recorded and evaluated. In some cases the book reveals with surprising frankness the differences of opinion that developed with respect to particular administrative problems. The author deserves special commendation for this service; too often such disputes—which are of the highest value to analysts—are not made known to contemporaries except on a rumor and gossip basis.

### *Other Matters That Might Have Been Included*

IN MENTIONING a few points not covered by the volume, the reviewer feels as though he might possibly be asking for a bit too much. Nevertheless, the points seem worth mentioning as indications of related problems that need exploration.

The relationships between the Secretary level on one hand and the military hierarchy on the other are discussed at a number of points in the book. It is apparent that the United States was unbelievably fortunate during World War II in having individuals of outstanding competence and understanding occupying these positions. The one administrative difficulty that is touched on relates to the control of supply, in which the division of responsibility between the under secretary, the ASF, and G-4 was obviously not clear. Beyond the circumstances which obtained during World War II, however, one of the major organizational problems which needs consideration is that of institutional relationships between the civilian top side of a military organization and the military hierarchy itself. The volume under discussion does not treat the Office, Secretary of War, as an institution but deals rather with the individuals who occupy the principal offices.

It is interesting that Nelson does not discuss at any point in the book, that this reviewer can remember, a feature of the General Staff which would seem to be one of its most important characteristics and one which is most striking to an outside observer—the principle

of the unity of staff operation. The General Staff is not a collection of staff units each with its independent responsibility. Rather, the General Staff is itself a unit. While for any given problem one or another of the divisions of the staff is assigned primary responsibility, its conclusions are referred to all other divisions that have any interest in the problem for comment and recommendation in order to arrive at a conclusion representative of the General Staff as a whole. The occasions when one division alone is able to speak for the General Staff without coordination with any other division are relatively rare. And from the standpoint of bodies under the jurisdiction of the General Staff, the conclusions reached within the General Staff are the conclusions of that body as a unit, not the conclusions of any constituent division. In event of nonconcurrence of one division of the staff, the determination is made by the deputy chief of staff or the chief of staff.

The doctrine of unity is firmly imbedded in General Staff operation through long tradition, and it is enforced by a number of institutional devices. These include primarily the manner in which the "pieces of paper" that make up the General Staff grist are distributed and handled, and the role of the deputy chief of staff (who is the actual head of the General Staff), the assistant deputy, and the secretary in seeing that staff work is done on a unified basis. It is interesting that the doctrine of unity—now taken for granted—was not always understood. Certainly there were periods in its history when the General Staff was not a general staff at all in the proper sense but simply a group of second guessers close to the throne.

The description of operations during World War II indicates that even then there were notable exceptions to the principle of unity. Nevertheless, so far as the experience of this observer goes, the General Staff did recognize in very high degree the principle that the staff as a whole serves the chief of staff and the Secretary of War, and that therefore most matters needed to be considered by more than one unit of the staff. Even though civilian staffs are often placed under a single head, it is seldom, if ever, that the doctrine of unity of staff operation is employed to the extent that it is in the War Department General Staff.

Nelson consistently opposed the establishment of management planning facilities for the office of the chief of staff. His contention was that such a unit, if established, would begin to aggrandize itself, to exercise controls directly, and within a short time bring on its own destruction. Instead, he made use of the services of staff members of the division of administrative management of the Bureau of the Budget with respect to special problems. While the reviewer still cannot agree that Nelson's policy is correct, it is true that the central organization and methods facilities in the Air Forces have been dissipated (temporarily he hopes) and the central facilities of the former ASF were substantially reduced with the dissolution of that organization. At lower levels in the Air Forces and in the Services, organization and methods facilities continue to exist and the institutionalized central facilities in the AAF can be expected to be revived during the next few years; but there are no roots established at the level of the deputy chief of staff.

### *The Cyclical Character of the General Staff*

BY PRESENTING a forty-year panorama of General Staff evolution, this volume enables the reader to draw some interesting conclusions as to the cyclical character of administrative developments. In the period of initial development the idea of the General Staff was dominant. Then practical men took hold and the theme appeared lost, but one way or another a balance was struck and a workable pattern evolved. The pattern became the dominant factor, for it could be taught and drilled into countless individuals. The pattern became widely used and useful—and at the same time the underlying concept was largely forgotten. The pattern appeared to remain the same but it was actually pulled and hauled until it might be widely at variance with the concept which led to its establishment. Then a strong individual with enough understanding or instinct would be required to revitalize the pattern with the basic concept.

In the War Department this cycle occurred again and again. The concept of an administrative means was developed to enable a top

executive to augment his own capacity for planning, evaluating, coordinating, resolving issues, providing guidance, and controlling. Such was Root's concept. But to become useful the concept had to be transformed into a specific pattern of organization and procedure. Disorderly patterns, patterns basically opposed to the general staff concept, and indifferent patterns emerged in succession. Finally, before World War I, a pattern was evolved (the G-1, G-2, G-3, G-4, and war plans divisions) which though imperfect and incomplete was generally consonant with the basic concept.

One can trace similar developments in the nearest civilian counterpart of the General Staff. A concept of general staff services emerged and took the common form of program-budget, personnel, administrative planning, and so forth. Almost immediately the idea of unified staff operation was dropped in practice and separate offices made up of practitioners grew stronger. Only the greatest efforts by those who have a more general interest in administration have managed to keep the main concept from being lost to the specialists interested in strengthening their positions.

The book had to stop at some point, of course. But it would have been extremely interesting to have included a comment or two upon the latest stage of the endless cycle. The War Department has this year again revised its General Staff pattern in many respects. Some of these changes this reviewer is sure Nelson would consider to be fundamentals. The General Staff is entering the operating stage of its cycle and it has expanded in size. The planners of the new organization argued outright that planning could not be divorced from operations in the traditional sense and to the degree that the former theorists had thought. The second half of Nelson's book tells of some of the philosophy in General Staff performance which gave rise to the new solutions. While philosophically the question of whether these solutions are the right ones can await determination by the events of history, practically it is of great importance that we profit to the utmost from the total experience which has been had.

### *Conclusion*

NO REVIEW can do more than touch on the myriad developments and problems of administration contained in this book. It may be well to conclude, therefore, with a quotation from Nelson's final chapter: "Throughout our nation's history," he observes, "our organization for national defense has been so shackled in the grip of the past that at times nothing short of catastrophe could release it" (p. 569). *National Security and the General Staff* is a valiant effort to make experience meaningful and useful so that advances can be made at a cost less than catastrophe.

## Federal Field Integration and the Valley Authority

By Charles McKinley, Reed College

NEW HORIZONS IN PUBLIC ADMINISTRATION; A SYMPOSIUM. University of Alabama Press, 1945. Pp. 145. $2.00.

### I

THIS little book is a byproduct of the Southern Regional Training Program in Public Administration launched in 1944 by the Universities of Alabama, Georgia, and Tennessee in cooperation with the Tennessee Valley Authority. The six essays are the substance of lectures given at the University of Alabama to the students of that important enterprise by Professors Leonard White, Marshall Dimock, John Millett, and Arthur Macmahon and by Donald Stone and Gordon Clapp. They reflect the mature judgment of men who have had special opportunities during the past fifteen years to participate in outstanding administrative experience or to watch at close range as inside observers the administrative behavior of key public agencies. The insights thus revealed help to forward our thinking about some of the requirements of effective public administration.

Donald Stone in his refreshing discussion

of the role and methods of the top governmental executive centers attention upon the leadership elements of the job and insists that "what the executive can accomplish . . . is largely the product of his influence rather than his command." In Stone's view the executive's basic problem is that of "developing a body of commonly shared ideas," so that through their wholehearted acceptance by his staff at every level in the organization (and most issues arise and decisions are crystallized below the top) the settlement of problems will naturally lead to realization of the objectives of the agency as the executive has interpreted them. The process by which the executive may best formulate his program, win its acceptance by his own people, and insure its fulfillment in action is suggested in shrewd hints on how to organize his time, deal with people, limit his activities to his proper level and to his own role as generalist, make use of personal staff and operating aides, develop the art of communication with his staff (in both directions), and arrange and use his institutional structure so that "automatic" coordination is maximized.

Professor White's essay analyzes "Legislative Responsibility for the Public Service." While he talks chiefly about American state legislatures his observations are apropos to the relationship of Congress to national administration. He wants to see as a pre-condition to further administrative improvement, the release of managerial capacity from "the legislative strait jacket which has slowly developed over many years." He insists that since 1920 the art and techniques of public administration in the United States have made such great strides that there is now opportunity, if legislatures will change their attitudes and revise their methods of operation, to obtain a technically trained, professionally minded body of public servants infused with a sense of public responsibility and obligation, and with "a corporate capacity to serve the public interest, unique and absolutely indispensable." The great need is to bring the work and attitudes of legislatures abreast of the times. Thus far they have failed to organize themselves to deal with administrative matters upon the basis of principle and generality. This failure is in large part the result of ineffective internal legislative organization.

White believes there is need for a reorganization of committee structure and practice so that all prospective legislation bearing on administration will be subject to review by a committee of leaders that will apply to such proposals accepted standards of good administration—standards not involving partisanship but growing out of the best recent experience in furthering honest, energetic, economical, and competent administration. As an alternative he suggests the use of three over-all committees, on budget, personnel, and planning, with partially interlocking memberships. He urges that greater responsibility be placed upon the executive and the operating agencies for changing administrative structures and checking on operating results.

Professor Dimock's lecture, "Administrative Efficiency within a Democratic Polity," is concerned with some of the same questions that White raises, but at the national level. He, too, urges the necessity for the internal reorganization of the Congress, along lines recommended by the LaFollette Joint Committee, Roland Young, and Robert Heller. Yet he asserts that weaknesses in Congress are not so serious as those within the Executive Branch, which must bear the brunt of an increasingly complex and varied operating load. The chief weaknesses in the latter sector are inadequate coordination and failure to decentralize administration. The crucial spot where coordination is most essential is at the presidential level, but the President cannot provide the necessary attention. Hence it is essential to make the Vice President an operating official. For this purpose the Constitution might be amended to relieve him of his obligation to preside over the Senate and thus release him for a central coordinating role for the executive departments. With an improved Cabinet staff, better machinery for working with congressional leaders, and a question period in Congress for federal administrators, it would be possible to achieve "the best features of cabinet government, as found in Great Britain, while retaining the superior features of our own presidential system." This sanguine and didactic lecture closes with an exhortation to administrators to become statesmen and a recipe of philosophic insights for blending democracy and efficiency!

The general manager of the Tennessee

Valley Authority, Gordon Clapp, summarizes the meaning of his agency as an administrative device and method by which regional resources may be managed to bring a revival of well-being for the people. To translate the studies of our resources and how they may be conserved and used into the realities of everyday life requires "careful mobilization of every administrative and educational facility the region possesses—and a few new ones that have to be created." So the administrative resources become of equal importance with the natural and physical. They must devise the ways in which the "facts about the wise use of our resources of water, soil, minerals, and the factors of climate are discovered and made available to become a part of the everyday decisions of people."

In the Tennessee Valley the TVA has taken the lead in weaving together the efforts of more than a hundred local, state, and federal agencies, many quasi-public service organizations, and thousands of citizens of the valley so as to create a "loose and flexible but tough federation of effort to put the resources of the Tennessee Valley to work to produce more income for more people." "The task of administration and education is thus to discover, define, reveal, and translate the science upon which these millions of individual decisions should rest, placing it within reach of the men and women—citizens who decide, who do things." Existing local and state activities take on new quality and utility when made parts of a regional program. The essential element in the development is a full-time "integrator" agency charged with viewing the region as a whole. It must be fully conscious that its task is to integrate all programs and administrative agencies that play a part in that regional program.

Lieutenant-Colonel John Millett draws upon his experience with the Army Service Forces, as well as his earlier work with Professor Macmahon, to elaborate a theory of "dual supervision" for field organization and operations. In the author's terms it is a conception of "decentralization by specialty" and decentralization by "hierarchy," with the former meaning not only "technical" matters but such activities as "housekeeping services," and the latter indicating an area unit. Expressing keen concern for the pressing need of geographically integrated field services, he suggests dual supervision as a principle which can provide the multiple-purpose agency with an integrated field structure. This idea is an exposition and an expansion of the concept, now familiar through application in a number of federal agencies, of "administrative" and "technical" supervision which may be simultaneously exercised over a given field staff by the general supervisor of the field area and the technical divisions of the central office. However, Millett's illustrations taken from the Army organization give to the "specialty" supervisor somewhat more control over his field counterpart than has been accorded in the Forest Service (from which he also draws examples) or other civilian agencies. Within the national administration the harmonizing of general and specialized administration in the field, first within bureaus and later within departments, is a major desideratum, action toward which, Millett urges, should be started now. But the attainment of regional integration for the federal administration as a whole he places in the remote future.

Of all the essays, Professor Macmahon's study of "Function and Area in the Administration of International Affairs" breaks the newest ground. The material for his analysis comes chiefly from the history of the State Department, in particular its recent expansion of duties and its relation to the activities of other federal agencies in the foreign field. While the traditional unit of headquarters organization has been the national area or cluster of national areas, the increasing diversification of activities within and between nations creates special functional interests that cut across national geographic boundaries and demand special attention even while they should be integrated and harmonized with policies which must still be "totalized" by geographic—mostly national—areas. These functional objectives are mainly economic and informational, a fact reflected by the proliferation of many new divisions in Washington and the employment of many times the personnel used in the traditional geographic offices. Macmahon pursues the impact of these changes upon the central geographic offices and in the field where the career Foreign Service officers were faced, until 1939, with independent foreign specialists from Commerce and Agricul-

ture. The war broke the field unity achieved in 1939 so that by 1944 some fifty other civilian agencies had specialists abroad numbering into the thousands.

How to reconcile, in the future, these expanded functional purposes with State Department over-all responsibility for foreign policy as related both to the national states and to the new international organizations that the United States joins is a subject of great importance. There are two possible lines of development: (1) continue the expansion of separate fuctional activities abroad but unify them on the ground under the leadership of the State Department's representatives, or (2) absorb all activities under an expanded Foreign Service. The efforts at solution during the war, which Macmahon reviews, tended toward the first alternative, but he feels there are impelling reasons why the possibilities of specialization (including new entrance and training plans) within the "omnibus" structure of the Foreign Service should be explored.

The final phases of the problem of relating function and area in organizing national administration for participation in international affairs arises out of participation in world organizations. Here again existing tendencies in the State Department give large recognition to functionalization. Yet Macmahon insists that this recognition "increases the importance of the synthesis . . . around the core of area." The attainment of this synthesis implies not only the adjustment of the Foreign Service to the needs of specialization but, more basic, the "coherence of foreign policy which is implied in the position of Secretary of State but which is still to be realized in the development of national administration."

## II

THERE is a thread of common concern which makes it worth while to discuss some of the affirmations and assumptions of the essays of White, Dimock, Clapp, Millett, and Macmahon together. The problem which absorbs the attention of Clapp, Millett, and Macmahon is that of obtaining integration of administration within an area requiring a unification and synthesis of administrative policy and action, while simultaneously making room for the claims of functionalized knowledge, skill, and standards and consistent over-all administrative policies. The constellation of relationships, actual and potential, is somewhat different on the international front, yet the domestic scene presents complexity almost as great and baffling, which somehow must be administratively mastered.

In his discussion of the domestic administrative situation, Millett has looked at only a part of the problem. For that part he feels optimistic of finding an ultimate solution. This will be achieved by slowly amending one by one the existing patterns of federal bureau and departmental structures, particularly at the field levels, so that there will gradually develop a coordinated *Department* of Agriculture, *Department* of Interior, *Department* of Commerce, and so forth, operating within the several regions of the United States. But the integration of national administration as a whole at the regional level is a prospect which he does not expect to live to see—and he is a young man!

Clapp, on the other hand, offers an alternative which it is asserted has already achieved integrated administration within the Tennessee Valley over the whole natural resources segment of government. Moreover, this new administrative arrangement has not only unified national administrative policy and action but has welded into the national program the supplementary and complementary administrative activities of state and local agencies that exercise legal jurisdiction within the same segments of social and economic life. It is not necessary to wait for the geologic pace of reform within the traditional federal bureau and departmental structure. During the past thirteen years a pattern has been evolved in the Tennessee Valley which he believes affords a model for quickly reaching the integrated field goal within departments and across departments. That pattern not only integrates the natural resources tasks of government, but reaches beyond into the fields of health, education, employment, profit opportunities for business, recreation, city planning, local administration, and many other fields which affect private living standards. Thus the potential jurisdiction covered by the leadership of the valley authority is almost as broad as all domestic governmental functions.

To people living in other parts of the

United States where the extractive industries and farming have been the chief source of local livelihood, this spectacular short cut to effective federal action has tremendous appeal. Quite apart from any doubts as to the essential repetition of the generous congressional financing of the Tennessee Valley Authority program, the question of relative utility of the valley authority mechanism as against the traditional or reformed (on the Millett model) federal structure must be answered by students of public administration.

To find an answer one may be tempted to fall back on *a priori* assumptions concerning the relative merits of the traditional functional structure of national administration versus the new areal pattern. It is easy to say that a series of valley authorities would cut the nation into nine or ten new competing regional administrations; that it would produce a new and invigorated sectionalism at a moment in history when national and international programs are an increasing need for every man, regardless of his situs. But to people in the "colonial" parts of the United States who have caught the vision of Lilienthal, Clapp, and their associates of what needs to be done to use natural resources properly and of the possibilities of harnessing them for maximum use, this objection seems vague, unreal, and at best, remote. Moreover, the spectacular physical achievements wrought on the Tennessee River within these last dozen years carry administrative conclusions to many minds. The harnessed waters that now accept servitude to the people of the valley by producing abundant and cheap energy for their homes, farms, and factories, by carrying at reduced cost the freight which makes new regional interchange of commodities economically possible, by creating fertilizers that are already renovating the lands and restoring their virgin yields, and by offering widespread new opportunities for outdoor recreation—these appear as concrete evidences of the merits of the new design for federal administration.

If answer is made that these physical improvements are merely the reflection of the willingness of Congress to spend a larger amount of public money in the Tennessee Valley than in other areas in order to help a substandard region, it must yet be conceded that this is the first river system in the United States that has been planned as a whole and on which the plans have been carried out swiftly, under a program of "logistics" that has maximized the use of each reservoir in the system, and under social arrangements that minimized the hardships and social dangers of construction camps and produced many lasting and useful byproducts in the way of skills, amenities, and services. This was not just the result of more "money." Other river development agencies of long standing had been given hundreds of millions to spend on other river systems, but have never matched this basin-wide conception or execution. They have been enthralled by the "project" stereotype. Doubtless this result was due in part to the fact that they were bound by partial special-purpose water loyalties inherent in their limited authority. It was also partly the result of splitting the job and assigning it to more than one water development agency. But it was also due to the failure to visualize the whole regional benefit that might come from an integrated and comprehensive plan and to the social blinkers that have so often blinded the eyes of the engineer to the nonphysical byproducts of his structures and his building procedures.

Whatever success may come from the current interest in cooperation between the traditional river development agencies, they are still bound by congressional acts as well as by long association to special and partial water interests. The work of the TVA makes the conclusion inescapable that the best development and conservation of *river* resources (i.e., the "water in the river channel") require the direction of one multiple-purpose agency. It does not necessarily point to an autonomous regional authority, but if the traditional national administrative functional design is to be used, it does mean (1) change which would amalgamate within one department the river developmental work now done by the Corps of Engineers of the Army, the Bureau of Reclamation, and the Federal Power Commission, and (2) the decentralization of that work upon the basis of appropriate river systems.

## III

One should watch sympathetically the cooperative efforts at the Washington level and within the Missouri and Columbia River

valleys which, under the spur of the valley authority movement and the earlier stimulation of the water resources committee of the late National Resources Planning Board, have recently been started. Much good may come from them, particularly in harmonizing divergent technical standards and in getting more complete and better technical information. More interchanges of information between agencies is taking place and more may be hoped for, particularly during the field activity stages of planning where it is of utmost importance.

Yet can the several agencies be expected to bury their jurisdictional quarrels for long, or to see the values of multiple-purpose river programs in balanced and impartial perspective? The unreality of such hope is indicated in the bitter row which has been proceeding in the Central Valley of California between the Corps of Engineers and the Bureau of Reclamation at the same time that monthly coordinating meetings of the federal Interagency River-Basin Committee are taking place at Washington. The Garrison Dam dispute which was one spectacular center of the fight between the two agencies in the Missouri has not been fully resolved either by the "Omaha Treaty" or by the subsequent pacific ministrations of the Missouri Basin Subcommittee. That quarrels may be prevented from breaking into the open is not proof that an integrated and balanced water program is "cooking." Tacit agreement to divide a development program peacefully but in such manner as to injure seriously the over-all regional interests has not been unknown in the past.

The continuing impediments to integrated river development stem not from any peculiar perversity of the men who head the several agencies, but from the biases in interest which inhere in the partial character of their basic administrative authority and the special client groups which benefit from these partial purposes and which insist upon their primacy. It is partly for these reasons that river development and operations, after a construction program has been completed, would seem to need a single administrative master to which all river programs would be intrusted. There is also much evidence to indicate that technical operations would have greater assurance of good performance if integrated operating management were provided for all principal structures on a river system.

If, in a reconstituted Department of the Interior, these water agencies which (to use the TVA organization term) now share and compete in "water control in the River channel" were brought together with the electric power generating and transmitting agencies, there would exist an organizational unit that would preserve the traditional functional pattern of national administration. There is no logical reason why it could not be so constituted as to give within each major river basin as large a degree of regional autonomy to its field representatives as the need for regional variation, celerity of design and construction, and efficient operation might require. Within the experience of the existing water agencies, including the TVA, the requisites for this program of decentralization may be readily discovered.

If a partial alternative to the valley authority device and program is to be sought in some such method of redesigning the traditional national administrative structure, the principles that Millett and Macmahon have vocalized will need careful application. Should the whole country be blanketed with basin field units it would be necessary to recognize that there are national interests (and in such systems as the Columbia, the St. Lawrence, and the Rio Grande international interests) that must be served; there are also joint interregional issues calling for resolution. Can these be properly provided for except through an organizational structure within the executive framework whose job it is to devise, within congressional policy, the functional standards of quality, quantity, variety, and cost which meet the legitimate expectations of American citizens in every river basin?

The case of the rates for hydroelectric power generated by and transmitted from these multiple-purpose river basin projects may be taken as a concrete illustration. There is a national interest in preventing undue regional price competition in power rates; there is a regional interest in obtaining the benefits of peculiar natural resource advantages in water power which may be much cheaper to develop in some regions than in others. The reconciliation of these interests requires an over-all national view. Who is to furnish it? At present the Federal Power Commission performs this function

for some agencies such as the Bonneville Power Administration, but not for others such as the Tennessee Valley Authority, which determines its own rates.

Closely related to and embedded in this problem is the policy with regard to interest rates on federal construction funds for power facilities. Here is complete confusion—a confusion stemming from the capriciously varying statutory provisions which authorize particular developments. At present no administrative agency is responsible for reviewing that situation so as to help Congress rationalize this unfair and illogical tangle, and then to keep it straight.

With technological development already permitting high tension transmission for distances of 500 miles, and with greater distances almost certainly feasible in the near future, the electricity phase of multi-purpose water projects transcends river basin boundaries and demands answers which Congress cannot readily find without the aid of the executive branch. It is naïve to say, as some enthusiasts for the valley authority mechanism do, that Congress is prepared to do the necessary coordinating of the valley authorities. To be sure, statutory changes may have to be resorted to when competing administrative agencies have no effective executive master or when existing statutes prevent administrative solution. This method has been attempted in the process of settling the rows between the Corps of Engineers and the Bureau of Reclamation. While some of these laws are helpful, some, as in the case of the statutory split of jurisdiction over the flood control portion of multiple-purpose reservoirs in the West, will be administratively cumbersome and probably unworkable. It is against this kind of legislative substitute for executive control that Leonard White properly protests.

The other tasks of TVA—its land use, transportation and commerce, health and safety, and regional planning functions—present even greater administrative issues. Here the TVA becomes a substitute for the land use agencies of the Department of Agriculture if it chooses to carry to a logical conclusion the full scope of its potential jurisdiction. It operates within a part of the area which a Department of Commerce might appropriately regard as its own were it to conceive its job in terms of the needs of the little businessman. It fills a void left by the lack of a Department of Transportation. It works hand in hand with the United States Public Health Service on tasks that might be thought by a more jealous departmental agency to belong to it. It is doing the job which a regional unit in a national planning agency might do. In addition it is giving leadership and money to dozens of state and local government bodies to help them gear their strengthened activities into this complex program. From relatively fluid funds given it by Congress it is reappropriating money on a contractual basis to dozens of separate agencies to build the many facets of the region-wide, multi-purpose program which it is elaborating. As one western advocate of the spread of valley authorities throughout the nation puts it: "The Valley Authority reaches into Washington and puts a big piece of the whole federal government right down into each regional area." And certainly this is the logic of the authority concept, however much self-denial it may see fit to exercise about entirely displacing the traditional functional Washington-centered bureaus.

If the valley authority mode of organizing federal functions and leadership for resources management is to be copied in other regions, reorganization of the central executive establishment cannot be escaped. It will be necessary to deal with the same kind of organization problems that Macmahon has so acutely described in the field of foreign affairs, although the relative emphasis of function and area will doubtless be different. The proposals for this purpose made by former Secretary Ickes do not carry conviction, for in essence they meant the swallowing by the Department of the Interior of the entire resources management job. He favored the integration of federal operations through valley authorities so long as his department would be the integer!

It is undesirable to postpone efforts to answer this issue while there are added to the TVA a Missouri Valley Authority and a Columbia Valley Authority, on the theory that we can bump along without too much trouble with a few regional authorities. To be sure, review by the Bureau of the Budget offers some executive coordination, but it is not enough. Nor does Professor Dimock's proposal for a reconstructed Vice President to manage the

executive job appear hopeful in view of the traditional political forces which determine the selection of that official. Imagine Franklin Roosevelt turning over the administrative coordination of the executive establishment to Jack Garner, or Calvin Coolidge to Charles Dawes, or Woodrow Wilson to Thomas Marshall! A decision to generalize the use of the valley authority technique will involve a task of major redesign not only at the field level but in Washington as well.

## IV

IT WOULD be tremendously helpful in resolving the problems of administration precipitated by the valley authority issue if there were available a thorough, comprehensive, and impartial administrative study of the Tennessee Valley Authority "experiment." It has run for thirteen years. Its great and spectacular construction program is nearly ended. Its land use and other economic and social development programs are likely henceforth to occupy the center of the stage. Yet it has already a rich experience in those areas. Despite the voluminous publications (including the congressional investigation of 1938) that have been stimulated by this "experiment," there is no study of the kind required adequately to appraise the merits and demerits of the authority as an answer to the problem of national administration within a region or of the issues of central and interregional coordination.[1]

There has been so much distorted, farfetched, and even vicious criticism of the TVA by the spokesmen of groups with axes to grind, that to make such a proposal is likely to arouse the resentment and suspicion of friends and officials of the agency. Yet Chairman Lilienthal implied the case for such a study when he said:

> Learning how to decentralize the administration of centralized authority cannot be achieved by abstract thinking. Experimentation is required. Methods must be tried out, improved here, abandoned there. . . . It is of a contemporary experiment I wish to speak —the Tennessee Valley Authority—the boldest and perhaps most far-reaching effort of our times to decentralize the administration of Federal functions. If it succeeds, if its methods prove to be sound, we shall have added strength to the administrative defenses which protect the future of our beleaguered democracy.[2]

Pending such an inquiry this reviewer entertains the belief that the Tennessee Valley Authority has made a striking contribution to the reduction of the jurisdictional barriers that have heretofore made it impossible to see or to attain a region-wide resources development program. It has infused much of its staff, whatever their special profession or functional assignment, with keen awareness of the total program and of their own relationship to it. This broadening of bureaucratic concepts and interests is unique in American administrative experience. It throws into high relief most of the traditional and typical compartmentalized interests, concepts, and loyalties of federal operating officials—field and center. It is not meant to suggest that everyone in the TVA staff is a "generalist" and an integrator, or that no bureaucratic jealousies within the structure are discoverable. But the scope of the "horizontal" thinking that is common among its competent department, section, and unit chiefs is impressive.

This is a desideratum that the traditional organization of the federal executive somehow must approximate if it is to be effectively used to meet the needs of those regions of the country whose natural resources are being wastefully abused or underdeveloped. Those who feel that the authority device, despite its regional administrative virtues, carries with it the danger of denationalizing and sectionalizing the executive branch of the federal government will have to find an effective answer for this problem within the traditional pattern.

If an answer is found, it will have to include ways and means of giving presidential leadership at the regional level which can (1) infuse the programs of the several functional agencies into a consistent and comprehensive regional program, and (2) break down the jurisdictional obstacles to cooperative administrative operations when these are necessary. The mind and purpose of the President as the head of the executive branch must be repre-

[1] I would not minimize the value of the excellent monographs by Pritchett, Finer, and Ransmeier, but no one scholar has the technical equipment, even if he had the time, to make the kind of systematic, detailed, and comparative inquiry which the importance of this subject justifies.

[2] David E. Lilienthal, "Administrative Decentralization of Federal Functions," 5 *Advanced Management*, 4-5 (1940).

sented in the field as well as in Washington; the minds and purposes of the secretaries of the various executive departments must be similarly effective within their departmental assignments over their respective bureau field establishments.

These objectives raise problems of "dual supervision" on a scale hitherto unprecedented in the history of the nation. If departmental and presidential field representatives are created, the strain upon "dual supervision" will indeed become heavy. As prerequisites to such a new organizational development must come some approximation to common regional boundaries and bureau and departmental field headquarters. If it is assumed that the political and functional obstacles to that problem may be resolved (a very precarious assumption in the present political climate), there remains the task of clothing presidential and secretarial field representatives with sufficient authority to be effective while simultaneously inhibiting them from paralyzing the bureau operating programs and unduly disturbing the line of operating command. Two wholly new layers of "dual supervision" must be provided without paralyzing functional operations.

There have been a few recent national administrative experiences which, if carefully analyzed, might give some clues to a design for part of this new coordinating field structure. I refer to the offices of coordinators for the Northern and the Southern Great Plains in the Department of Agriculture (together with their respective regional councils) and to the special USDA integrated program in the Wenatchee area. These were efforts of one department to develop a region- or area-wide program which would integrate all the programs of the operating bureaus so as to fulfill a department-wide plan. Yet those experiences have never been carefully analyzed to discover what was the measure of their success, or what modifications of power and method would be desirable at the next try for departmental integration in the field. If we are ever to advance along this route, we cannot afford to throw away the fruits, be they negative or positive, of such "frontier" administrative experiences.

There are also the current moves within the Department of the Interior toward a unified departmental program in the inauguration of its Missouri Basin development projects, in its general policy of regional decentralization for a number of its resources development agencies, in its program of regional and area coordinating committees, and in its Washington coordinating devices.

Almost no experience is available to guide in the design of a presidential field office and its connections with the Washington hierarchy. The episode of the National Emergency Council with its state representatives has little to contribute. The regional offices of the ill-fated National Resources Planning Board have some clues to offer to a presidential representative on the planning phase of executive functions. But from this point we leap into the unknown unless we follow the valley authority pattern. Here is the basic challenge to administrative imagination in the field of domestic administration today.

## V

BUT creative inventiveness for more adequate administrative structures, relationships, and procedures must operate within the framework of the congressional system. The bearing of this fact upon the prospects of refitting the old administrative structure for the new needs of the time cannot be overlooked. Unquestionably some of the greatest difficulties experienced in administering domestic functions arise from the functional incoherence of some departments and the fragmentation of related tasks among numerous agencies in more than one department. The work of departmental and presidential coordination at the center and in the field would be greatly simplified could these anachronistic arrangements be changed. Even though the successive presidential reorganization plans of recent years have markedly reduced the dispersive traits of the older departments, some agencies with field assignments of great importance have been exempted by Congress from presidential consideration while others have been too closely attached to powerful political client groups represented in Congress to permit their realignment.

There can be little doubt that the internal committee organization of the Houses has heretofore been one of the obstacles to administrative rationalization, for committee organization and assignments of peculiar interest to many congressmen have been developed around the existing agencies and their func-

tions. There have been many examples of resistance to administrative improvements within the traditional executive framework because of the disturbance implied by the proposed changes to the prerogatives and habits of particular congressmen or committees of the Congress. This cement which has bound Congress to the status quo has been stronger than that of personal interest and personal habit. Behind the resistance to improvement in congressional as well as administrative organization has been the powerful support of client groups wishing to protect their special interests.

To this must be added the fear of most agency staffs that change means harm to them and their work. Even when the presidential order has been given that the official family is to accept a new administrative pattern as the Chief Executive's policy, it has been relatively easy for the reluctant members of his official family to add their opposition covertly to that of their supporting congressional opponents of change. The recent spectacle of Navy Department opposition to the integration of the armed forces in the executive organization is an exaggerated but significant example of the marriage of interest between particular administrative units and congressional committees and groups.

Today, however, there is the possibility of a new situation within the Congress as a result of the Legislative Reorganization Act of 1946. To be sure, the law does not include the provisions of the original bill intended to make leadership within the Houses overt and jointly responsible, yet it does drastically modify the old committee pattern. There is hope, therefore, that some of the obstacles to administrative rationalization may have been removed or reduced in difficulty.

## VI

DESPITE such hopes as may be generated by the Legislative Reorganization Act and the stirrings within the various departments which indicate concern for regional administrative coordination, it must be conceded that progress through the realignment of functions within a rearranged traditional structure has been prodigal of time. How simple and expeditious it seems by comparison to sweep away the accumulated complexity and start afresh with a valley authority! It is this simplicity, plus the fortunate selection of members of the Tennessee Valley Authority Board, the drama of whose great projects and development programs has captured the imagination of the public, that will give the valley authority concept a widespread and continuing public appeal—one without parallel in the history of national administration. Regardless of the real and profound difficulties which the blanketing of the nation with valley authorities is likely to generate in managing federal administration upon a responsible national basis, this new regional entity may displace much of the traditional federal organization in South and West whenever a new economic crisis again turns public attention to the need to find work.

Those who, like the writer, feel deep misgiving over the centrifugal sectionalism in administration which may result, yet who highly value the potentialities of a fully integrated federal field structure, region by region, across the whole resources management front, must pray for a tremendous acceleration in the pace of administrative rationalization begun by the Bureau of the Budget under the leadership of Harold D. Smith. We must hope that something will soon be done to straighten out the tangle of historical accidents that afflicts the administration of our natural resources and to generate presidential and departmental field structures, which, while affording initiative in the region and its subdivisions to do a government-wide job of making our physical resources play their full potential in the lives of the local folk, will also keep in step with nationwide (and in some respects world-wide) interests and standards.

# News of the Society

ANNUAL CONFERENCE

THURSDAY, FRIDAY, SATURDAY — MARCH 13, 14, 15, 1947

WARDMAN PARK HOTEL
WASHINGTON, D.C.

*Program Chairman:* JOHN MILLER
National Planning Association
800 21st Street. N.W.
Washington 6, D.C.

## COUNCIL MEETING

AT A mid-year meeting of the Council and Editorial Board of the Society, called by President Ascher for October 5 at the Hay-Adams House in Washington, D.C., the affairs of the Society, policies with respect to *Public Administration Review,* and plans for the next annual meeting were discussed.

Prior to the meeting President Ascher asked the chapters to make reports on plans for the program year. Council members were encouraged by evidences of increased postwar activity and gave serious consideration to questions raised by reporting chapters. Four new chapters have been established since the annual meeting of the Society in Philadelphia last March—Kentucky (Frankfort-Lexington area), Connecticut (Hartford), Wisconsin (Madison area), and Puerto Rico.

Official confirmation was given to the date and place selected for the next annual meeting, as announced above, and the President was authorized to appoint the program chairman and make other necessary arrangements.

Consideration was given to invitations extended to the Society for membership on the National Management Council and on the American Committee for the International Union of Local Authorities. A more detailed account of the advantages to this Society and the relationships involved by membership in these two organizations follows.

## THE SOCIETY AND THE EIGHTH INTERNATIONAL MANAGEMENT CONGRESS

The Eighth International Management Congress is scheduled to be held in Stockholm, Sweden, July 3-8, 1947, with two days of study tours in Sweden following. A considerable delegation from the United States is expected to be in attendance. Arrangements for American participation in the program have been in charge of Professor Erwin H. Schell of the Massachusetts Institute of Technology. The general theme of the American papers is to be centered around progress in our management activities since 1938, in which year the last international management congress was held in Washington, D.C.

Although the principal emphasis of the international management congresses has been on business and industrial management, and particularly on scientific management and "rationalization," there has been evolving an increased interest in other forms of management, including public administration. In addition to the more typical industrial and business papers planned for Stockholm next July there will be contributions in the fields of national planning, regional planning, home management, farm management, and labor management. Papers are scheduled in the field of public administration on such subjects as "Progress in Public Administration" by Herbert Emmerich, director of Public Administra-

tion Clearing House; "Progress in Municipal Administration" by John J. Furia, New York Civil Service Commission; and "Progress in Regional Planning" by David E. Lilienthal, until recently chairman of the board of the Tennessee Valley Authority and newly appointed chairman of the Atomic Energy Commission.

The Eighth International Management Congress is sponsored by the International Committee of Scientific Management, of which Mr. William L. Batt, president of SKF Industries, is the international president. This committee is generally known as CIOS, a title derived from the initials of its French name, Comité Internationale d'Organisation Scientifique.

United States participation in the work of the International Committee and the International Management Congress is sponsored by the National Management Council of the USA whose membership consists of a number of the leading managerial organizations of this country, including the American Management Association, the American Society of Mechanical Engineers, the Association of Consulting Management Engineers, the International City Managers' Association, the Life Office Management Association, the National Office Management Association, and the Society for the Advancement of Management. Mr. John A. Willard, consulting engineer, is chairman of the National Management Council.

At the meeting of the Council of the American Society for Public Administration held in Washington October 5, 1946, action was taken authorizing the officers of the Society to apply for membership on the National Management Council. The following members were designated to represent the Society as delegates and alternates in the deliberations of the National Management Council: Mr. Charles S. Ascher, regional housing expediter, New York, National Housing Agency; Mr. Carl H. Chatters, comptroller of the Port of New York Authority; Dr. Simon Millner, consultant for the Department of Commerce; Gordon R. Clapp, chairman of the board of directors of the Tennessee Valley Authority; John E. Burton, director of the budget, New York State; and Ordway Tead, editor of economic books, Harper & Brothers.

## THE SOCIETY AND THE AMERICAN COMMITTEE FOR THE INTERNATIONAL UNION OF LOCAL AUTHORITIES

At its meeting in Washington on October 5, 1946, the Council of the American Society for Public Administration accepted an invitation to become a member of the American Committee for the International Union of Local Authorities. President Ascher has designated Mr. Sherman S. Sheppard, assistant chief of the division of administrative management, U.S. Bureau of the Budget, formerly executive director of the Bureau of Municipal Research at New Orleans, to serve as the representative of the Society on the Committee.

The American Committee for the International Union of Local Authorities was organized in 1932 by several American groups concerned with the administration and the culture of cities for the purpose of maintaining closer relations with the international organizations in the same fields. The Committee is the recognized United States section of the International Union of Local Authorities, as it is also representative in the United States of the Inter-American Congress of Municipalities. The Committee membership is broadly representative of organizations of local and state government officials and government jurisdictions and university bureaus of research in public administration.

The International Union of Local Authorities was founded in 1913, primarily including in its membership national unions of town and other local government authorities. As there was no all-inclusive national union in either the United Kingdom or the United States, the Union functions in these two countries through national committees. The Union has held nine international congresses and has published periodicals and other material in French, English, German, and Spanish.

The Inter-American Congress of Municipalities, provided for by the Sixth International Conference of American States held at Havana in 1928, actually was organized in Havana in 1938. Its membership is broadly representative of the municipal life of the two American continents. It has held two plenary congresses, and its secretariat in Havana publishes a monthly bulletin and answers a multi-

tude of inquiries on every aspect of municipal administration in the two Americas.

The principal purpose of the two organizations is to further international municipal cooperation for the solution of the problems of modern urban living. The art and science of municipal administration has become of vast importance to the inhabitants of the western world, who are now predominantly city dwellers. Through their daily contacts with municipal officials all over the world and through their international conferences these organizations have been able to identify and develop practical methods of meeting common municipal problems.

The International Union of Local Authorities has its headquarters in Brussels, Belgium, and shares this headquarters with two other international organizations concerned with public administration and local government. This common center was established at the initiative of the American Committee in 1936. The other two organizations are the International Federation for Housing and Town Planning and the International Institute of Administrative Sciences.

The American Committee was one of the fifty organizations invited by the Secretary of State to nominate a member of the U. S. National Commission for the United Nations Educational, Scientific and Cultural Organization, and at the meeting of the Committee on September 7, Louis Brownlow, its chairman, was named to serve on this Commission. Through this relationship the American Committee has a direct connection with UNESCO.

The International Union of Local Authorities will have its next congress in Paris the middle of June, 1947, at which time the French Government is also organizing an International Exhibition on Reconstruction and Town Planning.

The International Institute of Administrative Sciences is scheduled to meet in Berne, Switzerland, in July, 1947.

The Inter-American Congress of Municipalities will have its next general conference in Lima, Peru, in 1948.

## CHAPTER NEWS

*Connecticut*

On September 5, the Connecticut Chapter adopted a constitution. The first general membership meeting of the chapter was held December 3 at Hartford. President Charles S. Ascher, housing expediter for the National Housing Agency, New York Region, addressed the group on the topic, "The Civil Servant and His Constituents."

*District of Columbia*

The Washington, D.C., Chapter at its first meeting October 30 elected the following officers:

*President*—Leland Barrows, assistant to the administrator, Federal Public Housing Administration

*First Vice-President*—Francis P. Brassor, chief of administrative services, U. S. Civil Service Commission

*Second Vice-President*—Charles E. Mills, office of foreign service planning, Department of State

*Executive Council*—Janet Banning, International Monetary Fund

Hugh Elsbree, Legislative Reference Service, Library of Congress

Hugh F. Loweth, Social Security Administration

Harvey Sherman, Bureau of the Budget

The speaker at this meeting was Leon Keyserling, Council of Economic Advisors, who talked on "Administrative Problems in Implementing Full Employment."

*Kentucky*

On October 15, the first meeting of the program season of the Kentucky Chapter was held in Frankfort. Dr. A. M. Lyon, director, division of hospitals and mental hygiene, Department of Welfare, discussed the personnel problems of the administrator from the psychiatrist's point of view. Dr. Lyon dwelt upon phases of an individual's mental and emotional make-up which the administrator-employer should take into consideration when hiring the employee.

*Massachusetts*

At the annual meeting September 17, the Massachusetts Chapter elected officers as follows:

*President*—John R. Campbell, Jr., regional representative, Social Security Administration

*Vice-President*—Arthur C. Gernes, regional director, United States Employment Service

*Secretary-Treasurer*—Benjamin F. Stacey, consultant, Department of Commerce

*Council Members*—Thomas Buckley, chairman, Committee on Administration and Finance

Julius Kellner, regional auditor, Social Security Administration

Morris B. Lambie, professor of government, Harvard University

Colonel Thomas F. Sullivan, Boston police commissioner

The first meeting of the program season was held in the Soden Lounge, Boston University, November 6, with Arthur S. Flemming of the U. S. Civil Service Commission speaking on "Current Trends in Personnel Administration."

*New York—Capital District Chapter*

On October 10, members of the Society in the Albany-Schenectady area met in Hearing Room No. 2 in the Governor Alfred E. Smith State Office Building, Albany. The panel discussion on "Regional Administration of State Activities" considered factors motivating decentralization, scope of regional functions in relation to agency program, and central coordination and control of decentralized operations. Members of the panel were:

John J. Daniels, Jr., State Division of the Budget

George B. Robinson, State Department of Commerce

V. L. Ostrander, State Department of Public Works

Harry O. Page, State Department of Social Welfare

V. A. Van Volkenburgh, State Department of Health

*New York—Metropolitan Chapter*

On October 15, the chapter opened the program year with a discussion of the Hatch Act —its influence in freeing public administration from political interference with operations and personnel and its effect on civil service. Panel members were:

Gladys Harrison, assistant general counsel, Federal Security Agency, who appraised the effect on federal and state employees

Frank Donner, assistant general counsel, C.I.O., who argued against the Act on constitutional grounds

Paul L. Ross, administrative secretary to the mayor, who discussed the law from both federal and municipal point of view.

*Puerto Rico*

On September 18, at the University of Puerto Rico, members of the Society met to discuss the organization of a chapter. After hearing reports from members who had participated in chapters elsewhere, a decision was reached that regular meetings should be held and a constitution was drafted and adopted. The secretarial functions of the chapter will be performed by the Public Administration Program of the University of Puerto Rico, with James R. Watson acting as chapter secretary. Meetings are to be held the first Thursday each month.

At the first chapter meeting, held on October 3 in the assembly room of the Puerto Rico Sports Commission, Guillermo Nigaglioni, chairman of the present Puerto Rico Civil Service Commission presided over a discussion of the proposed law to create a new civil service agency for Puerto Rico.

*Virginia*

On November 25, the chapter met to hear President Charles S. Ascher speak on "The Administrator and the Public." This was the first meeting in Richmond since 1941.

*Wisconsin*

On October 3, the Madison Chapter, organized May 23, held its first general membership meeting. The subject of a referendum in the fall election on the advisability of adopting the city manager form of governmnt in Madison was discussd by:

James R. Law, former mayor and now member of the State Highway Commission

Leon Smith, head of the City Water Department

Henry Reynolds, member of the City Council and representative of the local labor and local business interests.